

to which it was originally dedicated. These religious orders, as the facts develop, are no longer able to devote their lands to the charitable and religious purposes to which they were originally consecrated, and it is perfectly competent for them to be reappropriated.

That has been done in my own State, where a religious organization was claimed to hold real estate in contravention of public policy. Proceedings were instituted declaring its escheat, and for its new application under this doctrine to ends which were legitimate and lawful, and not in contravention of public policy. That proceeding was sustained by the Supreme Court of the United States. It is competent for us to institute a proceeding to terminate the right of these religious orders in the Philippine Islands to hold property in large tracts, upon the ground that it is a menace to the welfare and peace of the islands. But we ought not to exercise that power for the purpose of taking lands from one hand in order to bestow it upon another hand no more meritorious. It ought to be our confirmed and resolute purpose in those islands to prevent the acquisition and holding of lands in large bodies, in order that they may be reserved to the people for homes, in order that there may be built up there, if it be possible to build up in that climate, a race of independent native owners, who shall exercise freely and with propriety the powers of government which they ought to employ for their own welfare and advantage.

TENDS TO DEGRADE PEOPLE.

But if the policy which is recommended by the Commission and which this bill it designed to subserve is carried into effect the evils which now prevail there, and which prevailed there during the dominance of Spain, will be multiplied in extent and in their difficulties as we proceed to create new orders, new syndicates, new corporations for purposes of spoliation or exploitation and to place the control of lands in large quantities into their hands.

We know now absolutely with certainty that syndicates of this character are not interested in the public weal. Their primary and, in fact, their only purpose is to derive the largest degree of profit possible.

There will be ten or twenty thousand acres of land in a tract, and a few such large tracts will cover all the available land in the islands, that is, land which can be reclaimed. These syndicates will be controlled by alien proprietors who have no personal interest in the islands or in their welfare or in the welfare and happiness of their people. It will be a system of pernicious landlordism, which has led to disquiet on the part of the people of Ireland.

Mr. President, these syndicates, organized with stockholders in New York and Chicago and San Francisco or Great Britain, with their agents in the islands to execute their policy of greed (using that word in no offensive sense, but only to the end for which the corporation itself is organized), the land being thus held and thus managed, how are you ever to have a citizenship in the islands upon whom could safely be devolved the exercise of the powers of government? How do you ever expect by such a policy to uplift the people of the islands and make them fit for self-government? This policy does not tend to insure an independent and self-reliant and intelligent citizenship. It tends to degradation, to turpitude, and slavery. It tends to unfit the people, and if they are now unfit to be intrusted with the employment of any power of government, they will be doubly unfit after they receive a schooling under the training and despotism of alien syndicates holding possession of all their lands.

So, Mr. President, this part of the bill relating to the friars, while apparently justified on account of the difficulties which have grown out of the situation in the islands, it seems to me will result in no cure of the mischief, unless we shall alter the bill so as to make an entirely different disposition of the lands that may be acquired from these religious orders.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. I do.

Mr. CARMACK. I ask the Senator from Utah to yield to me for the purpose of making a motion to adjourn, if the Senator would prefer to go on to-morrow. The hour is growing late, and if it is satisfactory to him I will make that motion.

Mr. LODGE. If the Senator from Utah prefers to go on to-morrow, as it is now nearly half past 4, it will be entirely agreeable to me.

Mr. RAWLINS. I would prefer to do so, and probably I can conclude my remarks more satisfactorily than than to undertake to proceed further to-night. There are a few more topics to which I wish to refer.

Mr. LODGE and Mr. CARMACK. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 23, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 22, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE OHIO RIVER.

The SPEAKER laid before the House, with amendments of the Senate, the bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The amendments were read.

Mr. GRAHAM. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

MONUMENT TO BENJAMIN F. STEPHENSON.

The SPEAKER also laid before the House, with amendments of the Senate, the joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic.

The amendments were read.

Mr. McCLEARY. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

REFUND OF DUTIES ON IMPORTS INTO PORTO RICO.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900.

The amendments of the Senate were read.

Mr. RAY of New York. I move that the House concur in these amendments.

Mr. UNDERWOOD. If I may be allowed a moment, I would like to ask whether this bill confers on the Court of Claims authority to draw the money upon these claims out of the Treasury without warrant from Congress. I tried to understand, as they were read, the amendments put on by the Senate.

Mr. RAY of New York. This bill would be the warrant by Congress to pay these judgments. I consulted with the chairman of the Committee on Ways and Means [Mr. PAYNE] on this subject, and he thinks that we should concur in the amendments. The quicker these judgments are paid the better.

Mr. PAYNE. Allow me a moment. The judgments, when obtained in the Court of Claims, will draw interest from the date the judgments are rendered. The United States having this money to pay, I thought it would be best, instead of letting it run along at 6 per cent interest—for that is what the proposition amounts to—to pay the judgments at once. The bill applies, of course, only to this class of claims.

Mr. UNDERWOOD. There may have been a precedent for such a procedure in the past, but there has been none to my knowledge. It has always been the custom of Congress to require that when a judgment was found against the Government, it should be brought to Congress, certified to the Appropriations Committee, and Congress allowed to pass on the expenditure; in other words, that Congress should exercise the authority conferred on it by the Constitution to hold the reins on payments from the United States. Although I think it proper to pay these claims—when judgment has been rendered they ought to be paid, and I am in favor of paying them—I am not in favor of surrendering to the Court of Claims the power of Congress to appropriate from the Treasury the amount of the judgment. Even if the Government does lose a few thousand dollars in the form of interest, I think the bill ought to provide that the judgment of the Court of Claims, after being rendered, should be certified to the Appropriations Committee as is done with other claims, and then have Congress provide by appropriation for the payment. In this way we still hold our hand on the Treasury.

The SPEAKER (having put the question on the motion of Mr. RAY of New York, to concur in the amendments). The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

The House divided, and there were—ayes 67, noes 21.

So the motion of Mr. RAY of New York was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LACEY obtained leave of absence for one week, on account of a death in his family.

CHANGES OF REFERENCE.

By unanimous consent, changes of reference were made in the following cases:

A bill (H. R. 11803) for the purchase, for a national park, of a

tract of land upon which the Natural Bridge in Virginia is situated—from the Committee on Military Affairs to the Committee on Agriculture.

A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe—from the Committee on Invalid Pensions to the Committee on Pensions.

ALLOWANCE FOR CERTAIN CLAIMS FOR STORES, ETC.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to disagree to the amendments of the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1893, and commonly known as the "Bowman Act," and ask for a conference.

The SPEAKER. Under the order of the House this bill was set apart for war claims, and the gentleman from Pennsylvania, from the Committee on War Claims, asks unanimous consent that the House disagree to the amendment of the Senate to the bill H. R. 8587, the omnibus war claims bill (so called), and ask for a conference. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say this: That there are a certain class of claims in this omnibus bill that I do not believe ought to be passed. I think they should receive the careful consideration of every member of this House. The bill originally left this House carrying about \$200,000 worth of claims. It comes back here with over \$3,000,000 worth of claims. They have not been considered by this House in the Committee of the Whole, as they would have to be if they had been originally reported by the War Claims Committee. Now, I do not want to obstruct legislation; I do not wish to assume that because I am opposed to a claim it must be absolutely wrong, but I do assume and I do assert that it is the right of every member of this House to have claims considered in the legitimate way—under the rules, where they can be discussed under the five-minute rule and the fair consideration of the House obtained.

Now, to-day is set apart for the consideration of these claims. It is true an appropriation bill has come in here, but nothing can be harmed by delaying that appropriation bill till to-morrow. It can not injure anything. There are very many legitimate claims on this omnibus bill, but there are other claims that Congress for forty years has repudiated and turned out. Now, I think it is the duty of this House to-day, instead of asking unanimous consent to send this matter to a conference committee, where the members of the House lose control of the individual items in the bill, to vote down a motion to go into the Committee of the Whole House on the state of the Union to consider the bill for the Military Academy, and to give the gentleman from Pennsylvania the right of way to-day. Let these claims be heard by the House. Let them be heard individually on their own merits, and let the House pass on each bill and dispose of it, and I will say this, although I intend to object to any unanimous consent to this going to a conference: I will vote, and I believe I can speak for the members on this side of the House, that they will vote with the gentleman from Pennsylvania to give him this day for the consideration of these claims.

The SPEAKER. The gentleman from Alabama objects.

Mr. MAHON. Mr. Speaker, I rise to a parliamentary inquiry. Would it be proper now for me to move to nonconcur in the Senate amendment?

The SPEAKER. That is objected to by the gentleman from Alabama.

Mr. MAHON. Then I move that the House resolve itself into the Committee of the Whole to consider bills on the Private Calendar, and pending that I want to ask unanimous consent that the omnibus bill be considered under the five-minute rule, without general debate.

Mr. UNDERWOOD. Mr. Speaker, I think that is a fair proposition, and I suppose if there is any one item that extends beyond five minutes that the gentleman from Pennsylvania will allow some latitude.

Mr. MAHON. Oh, certainly; the usual courtesies will be extended.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill H. R. 8587, the omnibus war claims bill, and pending that motion asks unanimous consent that the consideration of the bill be under the five-minute rule. It is the duty of the Chair also to state that it will require unanimous consent to name the particular bill.

Mr. MAHON. It is the bill H. R. 8587, and I ask unanimous consent that that bill be considered when the House goes into Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill H. R. 8587, the omnibus war claims bill, so called, may be considered when the House goes into Committee of the Whole, and under the five-minute rule.

Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole for the consideration of the bill H. R. 8587, the omnibus war claims bill, so called.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House for the consideration of the Senate amendment to the bill H. R. 8587, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read the bill by paragraphs.

Mr. MAHON. Mr. Chairman, there is but one amendment to the Senate bill. I suppose it will all have to be read first, and then it will be open to discussion and amendment. I ask unanimous consent that the first reading of the bill and amendment be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill and amendment. Is there objection?

Mr. CANNON. Mr. Chairman, I propose to dispense with the first reading of the bill and then that it be read by paragraphs. That would be the convenient way.

Mr. MAHON. Yes.

Mr. CANNON. I will add that to it. Let it be read by paragraphs.

Mr. MAHON. I wish to explain to the gentleman from Illinois that this is but one amendment. When that amendment is read the bill will be open to amendment, the greater part of it. There is a great deal of the bill that probably nobody wants to amend.

Mr. CANNON. Well, after all, it seems to me the orderly way would be for the gentleman to ask unanimous consent to read it by paragraphs. Of course, if there is no challenge, it seems to me you would make better headway.

Mr. MAHON. All right; go ahead without any motion. I will agree to that.

Mr. CANNON. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLAIMS ALLOWED UNDER THE BOWMAN AND TUCKER ACTS BY THE COURT OF CLAIMS.

ALABAMA.

To Francis B. Appling, of Tuscaloosa County, \$130.

To Hugh P. Bone, executor of Martha H. Bone, deceased, of Madison County, \$2,544.

To Hugh H. Kirby, administrator of James Bundren, of Dekalb County, \$980.

Mr. CANNON. Mr. Chairman, where is the clerk reading?

The CHAIRMAN. The Chair will state that the Clerk was reading from page 1 of the official Senate amendment, which is the same matter as appears on page 21 of the House bill.

Mr. CANNON. It is page 21 of the House bill as printed.

The CHAIRMAN. Yes.

Mr. MADDOX. I should like to ask the chairman of the committee, the gentleman from Pennsylvania [Mr. MAHON], a question. As I understand it, these first claims down here—a number of them—are the same claims that were passed by this House when we sent the bill over to the Senate, the Bowman Act claims?

Mr. MAHON. The Senate committee struck out some of the Bowman Act cases by mistake, and when we get to conference those will go back.

Mr. MADDOX. I was going to suggest that in so far as they were the same claims we had passed on before, we might waive them and go on to some of the others.

Mr. CLARK. I should like to suggest that the chairman of the committee come over here in the center of the House, where everybody can hear him, and that everybody else take his seat and keep it.

The CHAIRMAN. Gentlemen will please be seated, so that the business of the House may proceed in order.

Mr. BREAZEALE. Will the gentleman from Pennsylvania yield for a question?

Mr. MAHON. I want to answer the question of the gentleman from Georgia [Mr. MADDOX]. The Senate sent a great many claims under the Bowman and Tucker acts to the Court of Claims. The War Claims Committee in the House has no jurisdiction over them. The Senate has added all the findings of the Court of Claims under the Bowman and Tucker acts that were returned to the President of the Senate. All the claims that went over from the House, with the exception of twelve, are in this bill. Twelve were struck out by the Senate. That is the only difference.

Mr. MADDOX. It occurs to me that those claims that we had passed on might be passed over.

Mr. BREAZEALE. Will the gentleman yield now for a question?

Mr. MAHON. Yes.

Mr. BREAZEALE. I find on page 7 of this bill, under the head of Louisiana claims, an appropriation to Charles M. Flower, Frank

S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, \$23,357, has been stricken out by the Senate.

Mr. MAHON. That passed the Claims Committee of the Senate as we sent it over; but, by a page being left out of the report the committee made to the Senate, on which were 12 claims that the House had passed, that claim and the 11 others did not get into the Senate bill.

Mr. BREAZEALE. Will that claim go back into the bill when the bill goes to conference?

Mr. MAHON. It will.

Mr. BREAZEALE. What I want to call attention to is the fact that the Court of Claims has found in favor of this claim.

Mr. MAHON. Oh, I am familiar with it.

Mr. BREAZEALE. And there is not a fairer claim anywhere in the bill.

Mr. MAHON. They were findings of the court that were left out by an error, and they will be put back in conference.

Mr. BREAZEALE. With that assurance, Mr. Chairman, I am satisfied.

The Clerk read as follows:

MASSACHUSETTS.

To Charles Foster, receiver of the Union Steamship Company, of Boston, \$18,000.

Mr. MAHON. Mr. Chairman, I would like to have the attention of the committee. All the matter in this bill up to page 95 where the heading occurs, "Selfridge board," are claims that have been sent to the Court of Claims, and it looks like a waste of time to read them all.

Mr. UNDERWOOD. I agree with the gentleman. They have all been passed upon by the Court of Claims.

Mr. MAHON. I therefore ask unanimous consent to dispense with the reading of all that part of the bill up to page 95 up to the heading "Selfridge board findings."

Mr. SMITH of Kentucky. I would like to ask the gentleman from Alabama what is the necessity of reading all this bill through? The Senate has put a whole lot of amendments on here that I do not suppose anybody wants to concur in any of them. Why not concur in all of them?

Mr. UNDERWOOD. I will state to my friend why I will object to unanimous consent to passing them all to conference. I agree that there are a lot of legitimate claims on this bill, and to send it over to the Senate concurred in there is nothing to trade on, nothing to force anybody's hand. If the House will vote to concur in the legitimate claims and nonconcur in the illegitimate claims, then it goes to the Senate, where they can accept the good claims, and the bad ones will be turned down. But if we nonconcur in everything, gentlemen who have good claims will be put in the attitude, if this thing goes to conference and comes back again, that they may have to take claims that they do not want to get the claims they do want. I am unwilling for that situation to arise.

Mr. MADDOX. Now, we have got Bowman Act claims that have been read up to this time.

Mr. UNDERWOOD. Yes.

Mr. MADDOX. Why not concur in those and nonconcur in the balance? The Senators put on a lot of Bowman Act claims that seem just as legitimate as any of these.

Mr. UNDERWOOD. I am perfectly willing to agree to the proposition of the gentleman from Pennsylvania.

The CHAIRMAN. The Chair states that the question now before the committee is the request of the gentleman from Pennsylvania, asking unanimous consent to dispense with the reading of the bill from the end of line 19, page 31, to which point the Clerk has already read, to the line before the heading "Selfridge board findings," on page 95.

Mr. MAHON. All of which have been passed upon by the court.

The CHAIRMAN. This question is not a debatable question. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROBB. For the present I enter an objection, Mr. Chairman. I have here an amendment which I desire to offer on page 35, adding an additional claim there. It was certified in 1892 to this House. The claim has been passed upon by the Court of Claims. I introduced a bill to that effect, which went to the Committee on War Claims. I can not see why it was not reported. The claim of Isaac G. Whitworth was put on this bill, and the other claim was precisely of the same character, and was not put in the bill.

The CHAIRMAN. The Chair will state for the information of the gentleman that we are now reading one long Senate amendment. When that amendment has been finally read, or with the omission of such parts as it may be agreed shall be omitted in reading, it will then be in order to offer an amendment to any part of the Senate amendment.

Mr. ROBB. Then I will simply ask unanimous consent to return to page 36 for the purpose of offering my amendment.

The CHAIRMAN. It is not necessary to ask unanimous consent. The gentleman will have the opportunity to present an amendment to any part of the Senate amendment after the entire amendment has been read.

Mr. ROBB. I withdraw the objection.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the reading of the Senate amendment from the end of line 19, page 31, to the head "Selfridge board findings," on page 95. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, I desire to rise to an inquiry. I understand the Chair to hold that this is one Senate amendment. Then will it be in order to move to strike out and nonconcur in item after item as reached and read now, or will it be necessary to wait until the whole bill is read through before a motion is in order to strike out and nonconcur?

The CHAIRMAN. The Chair is of opinion that this will be treated like any other Senate amendment and that the motion to strike out, or concur, or to amend will have precedence, as usual in ordinary cases.

Mr. UNDERWOOD. When the item is reached.

The CHAIRMAN. The motion to amend would have precedence of the motion to concur.

Mr. UNDERWOOD. I would ask the Chair if the ruling is whether it is proper to move to nonconcur and strike out when the item is reached, if read now, or after the entire reading of the Senate amendment is ended?

The CHAIRMAN. The Chair will state that the consideration of Senate amendments in Committee of the Whole House, as we are now doing, is of very rare occurrence. But, considering the rules and precedents so far as applicable, the Chair is inclined to hold that the entire Senate amendment must first be read, and then the Chair is of the opinion that amendments may be offered to any clause, paragraph, or line precisely as if the amendment covered but one page or one line.

This is probably the longest Senate amendment that has ever come over to the House. It covers many pages and embraces many paragraphs to clauses, and yet it is only one amendment. The inquiry is quite pertinent, whether an amendment to this amendment must be offered when, in reading, the Clerk has reached the paragraph to which it is applicable, or withheld until the entire Senate amendment has been read.

The rule as adopted April 17, 1789, provided that—

Upon bills committed to a Committee of the Whole House the bill shall be first read throughout by the Clerk and then again read and debated by clauses, leaving the preamble to be last considered. * * * After the report (to the House) the bill shall again be subject to be debated and amended by clauses before a motion to engross it be taken.

In the revision of 1880 this rule was omitted, possibly because the practice of reading a bill by paragraphs for amendment had become such a matter of course in the practice of committees of the whole that its repetition was considered unnecessary, or possibly because it was entirely overlooked, but the present Rule XXIII, section 6, provides that—

The committee may by the vote of a majority of the members present at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill close all debate upon such section or paragraph.

This is a recognition of the practice of reading and amending the bill itself by clauses or paragraphs, but the Chair is unable to find any rule or evidence of any practice or any precedent for the reading of an amendment by paragraphs for amendments to the amendment. Certainly an amendment offered originally in Committee of the Whole would not be so read. Although it might be a very long amendment, embracing many paragraphs, it would be read as an entirety, and then an amendment or successive amendments might be offered to any part of it. Now, this is not a Senate bill. It is simply a Senate amendment to a House bill and, in the opinion of the Chair, to be treated as any other amendment—that is to say, first read as an entirety, and then considered as subject to such amendments as may be offered to any part thereof, precisely the same as if, instead of coming from the Senate, it had been offered to-day for the first time by a member of this Committee of the Whole House.

Mr. UNDERWOOD. If that is the ruling of the Chair, I ask unanimous consent—we all have the bill before us, and we know the portions we desire to object to—that the further reading of the bill be now dispensed with and that gentlemen be recognized to strike out or amend this section as they may wish under the five-minute rule.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the further reading of the Senate amendment be dispensed with, the whole amendment be considered as open to amendment as having been read. Is there objection?

Mr. WM. ALDEN SMITH. Mr. Chairman, to what line on page 95 was unanimous consent given?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the reading down to the heading "Selfridge board findings."

Mr. SWANSON. Mr. Chairman, I want to know the effect of that unanimous consent. It was coupled with the statement that everybody should offer amendments to concur or nonconcur, as he might see proper. If that is allowed and unanimous consent is given that everybody shall do that, this bill could be held up here in that shape all this session. I am willing to consent that the further reading of the bill be dispensed with, and then leave the bill in its parliamentary situation.

Mr. UNDERWOOD. I am willing to do that because the Chair has ruled that it is open to amendment.

Mr. SWANSON. I have no objection to the unanimous consent being given that the further reading of the Senate amendment to be dispensed with, but I want the bill then left in its parliamentary status.

The CHAIRMAN. The question is on the the motion of the gentleman from Alabama that the further reading of the Senate amendment be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Chairman, I move to strike out and nonconcur in that portion of the Senate amendment headed "The Selfridge board findings," commencing on page 95, line 18, down to and including line 25 on page 100.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 95, beginning on line 18, strike out the remainder of said page, all of page 96, page 97, page 98, page 99, and page 100 down to and including line 25.

Mr. CANNON. Mr. Chairman, reserving the right to make the point of order on that amendment, I want to know its effect. I am quite in sympathy with what the gentleman from Alabama desires to get at, but if his motion to nonconcur in a part of the amendment is adopted, does that mean concurrence in the balance of it?

Mr. UNDERWOOD. I do not so understand it.

The CHAIRMAN. The Chair understands the motion of the gentleman from Alabama to be simply a motion to amend the Senate amendment, and after that amendment and all other amendments have been passed upon, the motion to concur will be in order.

Mr. CANNON. Or to nonconcur?

The CHAIRMAN. Or to nonconcur.

Mr. UNDERWOOD. My motion is to strike out that portion of the Senate amendment, and upon that I wish to be heard.

Mr. MAHON. Mr. Chairman, what is the gentleman's motion?

The CHAIRMAN. The motion is to strike out that portion of the Senate amendment which has been indicated beginning at "The Selfridge board findings," on page 95, down to and including line 25 on page 100.

Mr. MAHON. That is a motion to nonconcur in the balance?

The CHAIRMAN. The Chair will state that the motion to nonconcur is not in order at this time. As the Chair has stated, it is simply a motion to amend by striking out.

Mr. UNDERWOOD. That is the motion, Mr. Chairman.

Mr. MAHON. A parliamentary inquiry, Mr. Chairman. Would it be in order for me to move to concur?

The CHAIRMAN. The Chair is of the opinion that it would not be in order to move to concur until the Senate amendment has been perfected by the committee by making such amendments as it is desired to make.

Mr. UNDERWOOD. Mr. Chairman, I desire to state my objections to that part of the Senate amendments to the bill under consideration known as the Selfridge board claims. It is a claim arising out of contracts made by the Government during the civil war.

Among the many and varied amendments made by the Senate to House bill 8587, for the allowance of stores and supplies reported by the Court of Claims under the Bowman Act of March 3, 1883—making 110 additional pages, with nearly three millions of direct appropriations—is one appropriating nearly \$1,000,000 to certain contractors, their heirs or assigns, administrators or administratrices, or personal representatives, in payment of their claims for additional allowances over the contract price and in addition to the extra allowances made and paid them at the time and since by the Navy Department or by Congress.

The bill was reported from the Committee on War Claims, with amendments, and taken up in the House on February 12. (RECORD, p. 1688.) Mr. MAHON, chairman of the committee, stated that it was the same bill that was passed by the House in the last Congress and failed in the Senate, and included 172 claims and embraced only cases found due by the Court of Claims. A few amendments were submitted and adopted, and the bill passed

unanimously, the total amount appropriated being about \$198,000 in round numbers.

The Senate Committee on Claims reported the bill with a great many amendments, aggregating specifically nearly \$2,900,000, covering a great variety of subjects, the most important being what is designated the "Selfridge board findings" and the "French spoliation claims," converting it from a strictly "Bowman Act bill" to a general "omnibus claim bill."

The Senate committee struck out the entire text of the House bill, in order to throw it into conference, and then restored it with a few amendments, including cases reported under the Tucker Act, which were not included in the House bill, the accompanying report summarizing the new claims added, as follows:

1. Tucker Act cases.
2. Bowman Act court findings since the House made its list.
3. French spoliation court findings.
4. Selfridge board and Marchand board ship cases.
5. Certain approved claims which have repeatedly passed the Senate or House heretofore.

6. A few items for reference to the Court of Claims, court of admiralty, and Treasury Department.

The Senate report is inaccurate in its statements of detail and fact in many respects, but it would require more time than is now possible to dissect these Senate amendments, involving millions of dollars, most of which have never been investigated by any committee of the House of Representatives in recent years, and many of which—notably the so-called "Selfridge board findings"—have never been approved or passed by the House of Representatives, and but once by the Senate.

The paragraph appropriating nearly \$1,000,000 for the claims of contractors, their heirs, assigns, administrators, representatives, etc., for the construction of certain war vessels and machinery in the years 1862-63 should receive the closest scrutiny of each member of the Committee on War Claims, as well as by every other member of the House of Representatives. These alleged "findings" have not only never received the full approval of the Senate, as stated in the report, but they have been repeatedly rejected by Senate committees, and in 1866-67 by the Senate itself, and always by the House of Representatives. Congress created a board, known as the Marchand board, by act of March 2, 1867, to go over the entire ground and make report to Congress thereon.

The Senate report ignores wholly the history and report of the Marchand board—only makes a mere reference to it—and suppresses important facts necessary to a proper understanding of the history and merits of these claims, which have been discredited as a whole by the House of Representatives from the very start. Two or three cases passed Congress on their merits, greatly reduced in amounts, while the few others which became laws were put through Congress after going through the Court of Claims under prescribed conditions which left the court nothing to do but see that the clerical computations made in each case were correct.

No mention whatever is made in the Senate report of the fact that in the first session of the Thirty-eighth Congress (1863) Congress passed a joint resolution (S. R. 50) for the relief of the contractors for the machinery of the side-wheel gunboats known as "double-enders," the Senate passing it after a long debate by a bare majority and the House promptly referring it to the Committee on Naval Affairs without an opposing vote, where it was unanimously pigeonholed.

The debate in the Senate commenced on May 11, 1864, and ended on June 22 following, the Senate adopting by a majority of 2 votes the following amendment submitted by Senator Grimes, of Iowa, viz:

All claims based upon or arising from the contracts with persons who contracted with the Government of the United States for the machinery and engines of the side-wheel gunboats commonly known as "double-enders" be, and the same are hereby, referred to the Court of Claims for examination and adjudication; and said court is hereby authorized to examine and report to Congress what amount of work said contractors have done and what amount of materials they have furnished in addition to their contract, and what is the fair value of the same.

Senator Grimes again stated—

That the joint resolution was a matter of more magnitude than Senators might at the first blush suppose, for whenever this bill passes there is to be another one following it immediately for every class of vessels that have been built for the Navy. These contractors enter into a contract agreeing to finish a vessel by a certain time, but none of them do it.

He then made a motion to postpone the consideration of the joint resolution until information could be procured from the Navy Department concerning the matter. A proposition to make it a special order was resisted by Senator Sherman, who stated—

That if the joint resolution passes it will only be but the beginning of 500 similar bills. We shall have similar appeals from contractors who agreed to furnish flour or supplies to the Government, and they will have precisely the same claim. Every person who, by the rise of prices, has lost money by his contract will have the same claim. This principle would apply to all the

various departments of the Government, and would produce disorder and confusion.

On June 2 a motion was made to take up the joint resolution, which was opposed by Senator Hendricks, who in a subsequent Congress favored the reference of all these claims to the Court of Claims under the general law. Senator Grimes stated—

That this joint resolution was only the opening or entering wedge to further claims on the part of other contractors. This is to be followed by the contractors for the hulls of vessels, for the hulls and machinery of other classes of vessels; and if this shall be successful, as perhaps it may be, we shall have some rule applying not alone to the Navy, but to the Army and to every branch of the public service.

After the debate a motion to postpone a special order and continue the consideration of the joint resolution was defeated. The joint resolution was again taken up on June 23 and debated at length. Senators Clark, of New Hampshire; Hendricks, of Indiana; Grimes and Harlan, of Iowa; Reverdy Johnson, of Maryland; Cowan, of Pennsylvania, and Sherman, of Ohio, opposed the joint resolution, which was supported only by Senators Hale, of New Hampshire, and Anthony, of Rhode Island. Senator Grimes stated—

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation from their contracts. They have not been required to do anything in connection with their machinery that they did not stipulate to do in their contract. They admit it, the Secretary of the Navy says it, and it is true as he has said that this is merely an appeal to the liberality, generosity, and beneficence of Congress. It is also true that if we grant it in this case we shall have appeals made to us day after day and day after day, upon the authority of this precedent, just as we have had appeals made to us because we have already this evening decided in favor of the Ericsson claim.

Senator Sherman stated—

That there was a letter on the Secretary's desk from the Secretary of the Navy in which he denied explicitly and positively that there were any changes made since these contracts were entered into.

And the Secretary's letter was read by Senator Grimes (Globe, p. 3174.) The joint resolution as amended was then passed.

A few days before a joint resolution similar to the one reported in the Senate was introduced in the House and referred to the Committee on Naval Affairs, but not reported. On June 30 (Globe, p. 3428) the Senate bill was reached in its order on the Speaker's table and referred to the Committee on Naval Affairs on motion of Mr. Rice, of Massachusetts, chairman of that committee, and was unanimously ordered, reported adversely, but the report was withheld.

THE SELFIDGE BOARD.

At a special session of the Senate convened by President Lincoln on March 4, 1865, that body adopted on March 9, just as it was about to adjourn, with no quorum present, without debate, and without even the knowledge of most of the few Senators present, the following resolution submitted by Senator Nye, of Nevada, viz:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

Senator Nye had been a member of the Senate thirty-seven days when he took up the claims of these contractors, less than a half a dozen of whom were in Washington, and at a special session of the Senate, when legislative business, under the unbroken precedents of the Senate (save in emergencies), was never transacted, "slipped" through the Senate covertly a resolution for which, according to the papers of the day, he alone voted for, and which the House of Representatives by an overwhelming vote treated, in the succeeding Congress, as a nullity, and has uniformly since rejected as a whole.

The President was aware, as was Congress, that the Secretary had convened several boards—notably the Boggs, the Gregory, and the Ringgold boards—all composed of able men, with full facilities and information to protect the interests of the Government, and that after the most complete and thorough and searching inquiry, with every disposition on the part of President Lincoln and Secretary Welles to be as liberal as possible with these contractors on account of the peculiar situation of affairs, Congress and the public press of the day criticised the extra allowances of the Navy Department of over \$5,000,000 and said the contractors should have no more, the House Committee on Naval Affairs being practically unanimous against the contractors.

On January 30, 1866 (first session Thirty-ninth Congress), the Secretary of the Navy transmitted the report of the Selfridge board to the Senate without any recommendation. It was referred to the Committee on Naval Affairs, of which Senator Grimes, of Iowa, was chairman and Senator Nye the "tail-end" Republican member. On March 23, 1866, Senator Nye reported a bill (S. 220) for the relief of certain contractors for the construc-

tion of vessels of war and steam machinery. Up to the time of the presentation and adoption of Senator Nye's resolution not a petition or bill or paper of any kind had been presented in the Senate of the Thirty-eighth Congress on behalf of these contractors for relief, save for the machinery for the "double-enders."

On April 11 the bill was called up, and Senator Grimes of Iowa, spoke in opposition to the bill. He first called attention to the fact that the resolution was adopted solely by the Senate; was not approved by the House of Representatives; was not an act of legislative authority, and that no board organized under it had any authority to bind, either legally or morally, the action of Congress. He then stated that if the bill were passed the principle involved would require payment of more than \$12,000,000 to these contractors and at least \$60,000,000 to other contractors for war supplies where they had lost on their contracts.

On April 27 (Globe, p. 2222) the amendment of Senator Grimes, providing that the Secretary of the Navy should pay to the several parties the amounts awarded by said board, not to exceed the sum of 12 per cent of the contract price, except in the case of the *Comanche*, which should be paid in full, was adopted. An amendment for the steamer *Ashuelot* and machinery, and for the *Tippecanoe*, which had been completed to the satisfaction of the Department, was adopted, as was an amendment by Senator Clark of New Hampshire, providing that the sums authorized should be in full for all work done on vessels and machinery for which said sums were respectively paid, and, if accepted, should be on that condition, and no contractor should be entitled to payment until he had executed a receipt in full for said claim.

The bill was then passed by yeas 22, nays 11, the negative vote being Senators Clark of New Hampshire, Conness of California, Davis and Guthrie of Kentucky, Doolittle and Howe of Wisconsin, Henderson of Missouri, Kirkwood of Iowa, Sherman and Wade of Ohio, and Trumbull of Illinois. The bill was referred to the House Committee on Claims and no further action thereon taken during that session.

On February 15, 1867 (second session), Mr. Sloan, of Wisconsin, reported the bill with a substitute (Globe, p. 1265) which authorized and directed the Secretary of the Navy to investigate the claims of certain contractors therein named, 19 in all, and fix the basis on which such investigation should be made. The substitute was read, and while the report was being read the morning hour expired. Notice of substitutes intended to be offered (Globe, p. 1265) was given.

On February 16 the bill was taken up, and Mr. Delano, of Ohio, chairman of the committee, made a statement to the House (p. 1281), saying that the aggregate carried by the bill under the Grimes amendment was \$1,267,000. He also stated that the report of the committee was not in print, but a bill and pamphlet in the interest of the contractors was, and he moved to postpone the bill until the following Friday, which motion prevailed by yeas 77, nays 67.

On February 23 (p. 1472) the bill was taken up and Mr. Sloan stated the case and situation, from which it appears that there were over 40 contractors interested in the bill; that the contract price, together with allowances for extra work, had been paid; and then he gave a full and critical analysis of existing conditions (pp. 1471-1472).

The committee were not satisfied with the Senate bill. As the case stood, Congress is asked to legislate upon these cases blindly, and to appropriate more than a million dollars from the Treasury with no knowledge whether a single dollar ought to be paid or not.

Messrs. Delano, of Ohio; Grinnell, of Iowa; Washburn, of Massachusetts, and others spoke in favor of the substitute and Mr. Woodbridge, of Vermont, in favor of the Senate bill.

The question was put on the amendment (more favorable to the contractors) to the committee's substitute and it was rejected, yeas 36, nays 79. The committee's substitute, as slightly modified, was then agreed to, yeas 88, nays 44, and the bill as amended was then passed, yeas 105, nays 42. The Senate disagreed to the House substitute and asked a conference, which was granted. The conference report was agreed to, the Senate agreeing to the House amendment with an amendment, changing the period of time so as to make it under contracts between May 1, 1861, and prior to January 1, 1864. The report also included one more vessel, the *Dunderberg*. The bill was approved and became the act of March 2, 1867 (vol. 14, p. 424).

On December 4, 1867 (second session Fortieth Congress), the Secretary of the Navy transmitted to the Senate the report of the board of naval officers composed of Commodore Marchand, Chief Engineer King, and Paymaster Foster under the act of March 2, 1867, which was referred to the Committee on Naval Affairs and ordered printed (Globe, p. 19). On January 31, 1868, Mr. Grimes reported from said committee a bill, S. 307, for the relief of certain Government contractors. On February 13 the bill was called

up and discussed (p. 1143-1144). The bill made the following appropriations to several contractors, viz:

Secor & Co. and Perrine, Secor & Co.	\$115,539
Harrison Loring	88,513
Atlantic Iron Works, Boston	4,852
Aquilla Adams	4,852
M. F. Merritt	4,852
Tomlinson, Harteppe & Co.	15,171
Poole & Hunt	3,694
Total	187,473

Senator Grimes offered an amendment including the firm of Harlan & Hollingsworth for \$38,513, which was omitted by mistake. In reply to a question from Senator Sherman why so large an amount was allowed, Senator Grimes stated the facts and said (Globe, pp. 1143-1144) that in place of recommending the appropriation of one million and a half dollars involved in the Senate bill of the previous Congress, the Marchand board recommended the payment of about \$200,000 as against nearly \$2,000,000 by the Selfridge board. The reason for the discrepancy was that the Selfridge board "took the statements of the contractors as submitted without going into the subject thoroughly, while the Marchand board have taken the statements made by the contractors, as well as statements made by the Navy Department, and have thoroughly analyzed the whole thing, sifted it down and furnished a tabular statement showing all pertinent details," etc. The bill then went over.

On June 8 (Globe, 2922) the Senate resumed its consideration, and in reply to a question Senator Hendricks explained that the bill was based on the report of the Marchand board, "which was satisfactory to the Secretary of the Navy and satisfactory to the Senate Committee on Naval Affairs" (p. 2924, 2925). A special order intervened and the bill went over until the following day. When resumed, Senator Hendricks offered an amendment by adding at the end of the bill the following words:

Which shall be in full discharge of all claims against the United States on account of vessels upon which the board made the allowance as per their report made under the act of March 2, 1867.

Senators Frelinghuysen, of New Jersey, and Howe, of Wisconsin, stated that the contractors had been paid over \$5,000,000 in addition to the contract price by the Navy Department (p. 2959). Senator Cameron, of Pennsylvania, "objected to these large claims going through in such a way."

Senator Howe submitted a substitute for the amendment of Senator Hendricks to the same effect.

After lengthy debate the bill went over until June 10. (Globe, p. 3051.) After further debate the amendment submitted by Senator Howe to the amendment of Senator Hendricks was rejected and the original amendment adopted, and as thus amended the bill was passed. (Globe, p. 3052.)

The bill was reported without amendment from the House Committee on Claims, and referred to the Private Calendar.

On June 10, 1868 (Globe, p. 3940), the bill was reached and debated. Mr. ALLISON, of Iowa, tried to submit the following amendment, but was not permitted to do so:

Provided, That the several sums hereby appropriated shall be accepted by the several parties in full satisfaction of all claims against the United States arising out of the construction of vessels by the several parties herein named.

Mr. ALLISON stated that he thought the last clause of the bill—Senator Hendricks's amendment—did not cover the case fully, his own idea being "that if the contractors receive this amount it is to be a final settlement." (Globe, p. 3940.)

Mr. Spalding, of New York, was opposed to the bill, and referred to the combination of contractors to get \$7,000,000 more out of the Government, when it was not bound either legally or morally to pay them a dollar. An amendment to strike out the allowance of \$115,539 to Secor & Co. and Perrine, Secor & Co., and to M. F. Merritt for \$4,852, was rejected and the bill passed without amendment (Globe, p. 3942).

The bill was approved July 13, 1868 (Stat. L., vol. 15, p. 379). Not satisfied with the action and allowances of the Marchand board, created by Congress at the instance and request of these contractors, they sought still further legislation, and procured in the Forty-first Congress the report of a joint resolution (No. 92) from the Committee on Naval Affairs of the Senate, which was called up on January 24, 1870 (Globe, p. 697), and after brief discussion was objected to by Senators Howe, of Wisconsin, and Sherman, of Ohio, and on January 25 was recommitted to the Committee on Naval Affairs, and on May 12 was reported back with an amendment drawn by Senator Edmunds.

On July 8, in the closing hours of the session (Globe, p. 5368), the joint resolution was called up and the substitute reported agreed to and the same passed. On July 14 (Globe, p. 5597) it was reached on the Speaker's table and objected to by Mr. ALLISON, of Iowa, and subsequently by Mr. Randall, of Pennsylvania. On July 15 a motion was made to suspend the rules and pass the

joint resolution, which failed by yeas 98 and nays 77. It went over until the next session. On January 30, 1871, the joint resolution was passed from the Speaker's table, and on February 7 following was vetoed by President Grant, whose message concluded as follows, viz:

The present joint resolution transfers the investigation to the Court of Claims, and repeals "so much of said act as provides against considering any allowance in favor of any such parties for any advance in the price of labor or material, unless such advance could have been avoided by the exercise of ordinary diligence and prudence on the part of the contractor." It seems to me that the provision thus repealed is a very reasonable one. It prevents the contractor from receiving any allowance for an advance in the price of labor and material, when we could have avoided that advance by the exercise of ordinary prudence and diligence. The effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence. I see no good reason for thus relieving contractors who have not exercised ordinary prudence and diligence in their business transactions.

These claims have been discussed in the Congress time and again during the last forty years. Let me read again what Senator Grimes of Iowa said at that time. Senator Grimes was speaking upon the following resolution then pending:

That all claims based upon or arising from contracts with persons who contracted with the Government of the United States for machinery and engines of side-wheel gunboats, commonly known as double-enders, be, and the same are hereby, referred to the Court of Claims; and said court is hereby authorized to examine and report to Congress.

Listen to what Senator Grimes stated:

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation in the contracts.

Mark you, gentlemen, it is claimed in the Senate report and in the reports before the House that the Government changed the terms of the contracts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWIE. I ask unanimous consent that the time of the gentleman be extended fifteen minutes. This is a very important matter.

Mr. SWANSON. How much time does the gentleman want?

Mr. UNDERWOOD. Fifteen minutes.

Mr. SWANSON. I have no objection.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of his colleague be extended fifteen minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mark you, the claim is made that these claims must be paid because they say the Government deviated from the contracts, that it changed the contracts, and the contractors had to work on new plans and were delayed thereby. I ask you, Does the statement of the Senator from Iowa, made at a time when he must have been conversant with all the facts, sustain such a contention?

Mr. GAINES of Tennessee rose.

Mr. UNDERWOOD. I will ask my friend not to interrupt me, because I have only fifteen minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. UNDERWOOD. Again, listen to what Senator Grimes, who was on the committee that had charge of the investigation of these matters, after investigating it, further said in reference to the justice of paying these claims:

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation from their contracts. They had not been required to do anything in connection with the machinery that they did not stipulate to do in their contracts. They admitted, the Secretary of the Navy says, and it is true, as he has said, that this is merely an appeal to the liberality, generosity, and beneficence of Congress. It is also true that if we grant it in this case we shall have appeals made to us day after day and day after day upon the authority of this precedent just as we have had appeals made to us because we have already this evening decided in favor of the Ericsson claim.

The Ericsson claim was one of the claims that they paid. Now, I have read what Senator Grimes, of Iowa, said. He was in the Senate at the time. He was then chairman of the Senate Committee on Claims, which had refused to allow these claims, and he knew the facts, not forty years afterwards, but knew the facts then, and he said that the only ground on which they had a right to make any appeal to Congress was to the liberality, generosity, and beneficence of Congress.

Mr. GAINES of Tennessee. Were all the claims alike?

Mr. UNDERWOOD. I am talking about the Selfridge board claims, all of which were turned down by the Marchand board, that are in this bill.

Mr. GAINES of Tennessee. All turned down for the same reason?

Mr. UNDERWOOD. Yes; because they said that Congress did not owe anything to the contractor, that it was only to the liberality and generosity of Congress that they were appealing. That is what Senator Grimes, of Iowa, the then chairman of the Committee on Claims, stated.

Mr. POWERS of Massachusetts. Mr. Chairman—

The CHAIRMAN. Will the gentleman yield to the gentleman from Massachusetts?

Mr. UNDERWOOD. Yes; for a question.

Mr. POWERS of Massachusetts. I understood the gentleman from Alabama to state that all these claims had been heard by the Marchand board and rejected. Am I correct?

Mr. UNDERWOOD. The gentleman is correct. I so understand it.

Mr. POWERS of Massachusetts. Has the gentleman ever understood that any of these claims were ever heard by the Marchand board and passed on by that board?

Mr. UNDERWOOD. My understanding, from what I gather from the record, is that all these claims that are now in this bill were laid before the Marchand board and were rejected, except a certain number of specified claims amounting to \$187,000 that were paid at the time. Now, I want to read again what Senator Sherman said in reference to these claims when they were paid. He stated that there was a letter on the desk of the Secretary of the Senate from the Secretary of the Navy in which he denied explicitly and positively that there were any changes made since these contracts were entered into.

Senator Sherman of Ohio is in the record stating that there was lying on the desk of the Secretary of the Senate at that time a statement from the Secretary of the Navy saying that no changes had been made in these contracts, and therefore if you believe what Senator Sherman says, if you believe what the records of Congress say, you are asked to pay these contractors about a million and a half dollars because the Government changed their contracts. It is not sustained by the record, and their contention has gone up in smoke, in vapor, and is a myth; there is nothing in the argument.

Mr. Chairman, I might say a great deal more in reference to the facts in this matter. As I have stated all the time, I do not desire to filibuster this bill, or to delay its legitimate passage; but in investigating the facts I am satisfied in my own mind that these claims were fairly and justly considered by the members of Congress forty years ago and justly rejected by the executive department and the legislative department of the Government at that time.

I say that the statements contained in the present Senate and House reports are not sustained by the record. The claim that we must pay these men because the Government had changed their contracts is denied by the record. It is shown that the then Secretary of the Navy denied it. It is shown that the chairman of the Committee on Claims of the Senate denied it. It is shown that there is no record here to sustain anything of the kind and that the only appeal that was then made was to the liberality and the generosity of Congress.

I contend you should pay a man what is due him, but the money in the Treasury of the United States does not belong to you. You may be liberal and generous with what is your own, but the money you are voting to-day is not your own. It belongs to the people of the United States, and these men have got no right to come here under an appeal to the liberality and the generosity of Congress and ask you to vote a million and a half dollars out of the public Treasury of the United States because they made contracts that turned out disastrous, and I contend that these claims ought to be stricken out and nonconcurrent in before this bill passes.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. CALDWELL. Have you footed up and found the amount of the Selfridge-board findings in this bill?

Mr. UNDERWOOD. No, I have not. I take the statement of the board. I have moved to strike out all of those claims.

Mr. CALDWELL. I think it would be a matter for the information of the House if you would state approximately the amount of the findings, which I do not know.

Mr. UNDERWOOD. The amount is stated to be a million and a half, I understand, but I do not mean to say that my figures are accurate to a dollar. It is stated in the report, and any gentleman can find the exact figures there.

Mr. GAINES of Tennessee. What other testimony have you besides that of Senator Grimes?

Mr. UNDERWOOD. If the gentleman will look in the Congressional Globe and CONGRESSIONAL RECORD he will find that this matter has been discussed for forty years.

Mr. GAINES of Tennessee. I take it for granted that the gentleman from Alabama has looked through the RECORD.

Mr. UNDERWOOD. I have endeavored to search the records, and there is no doubt that the leading men at that time in Congress did believe these claims should not be paid, and refused to pay them; and they have simply been hanging around here, kicked about like a football, ever since, with no legitimate ground to stand on. I say it is not only absurd, but it would be outrageous for Congress at this late day to take up claims of this kind and pay \$1,500,000 out of the Treasury without anything more to stand on than these claims come to this House with.

In conclusion, let me say that this bill contains many just and legitimate claims against the Government—in many cases judgments rendered by the courts in favor of the claimants—and it is an outrage on these claimants to add as amendments to the bill claims of doubtful propriety and attempt to make those who are in favor of the Government paying its honest debts vote to pay claims that otherwise would have no chance of being allowed in order to secure the payment of a few just and deserving judgments that the Government owes to its citizens.

Mr. LINDSAY. Does the gentleman say that he believes these claims are fraudulent?

Mr. UNDERWOOD. I do not say that they are fraudulent, but I say they ought not to be paid; that they are not legitimate.

Mr. LINDSAY. I wish to say that I know one of these claimants, Mr. Thomas Stack, who is now 82 years of age, and has been a shipbuilder since 1844, and I know that he is asking only the payment of a legitimate debt—the repayment of money which he spent on behalf of the Government. I am personally acquainted with this man; he resides in my district. He built a monitor there. Like other claimants of the same class, he built the vessel at a time when it was wanted by the Government, during the civil war, and because this service was rendered long ago that is no reason why its payment should now be refused or the claim pronounced fraudulent or illegitimate. I do not believe any such charge is true. I believe that in these cases the contractors paid out thousands and thousands of dollars for the purpose of carrying out their contracts with the Government, and now after all this delay they ought to be repaid. These expenditures outside of the contract price of the vessels were, as gentlemen understand, incurred by reason of changes made in the vessels by order of the Government, and it is admitted that if there was any fault it was occasioned by the change of the plans by the officer of the Government at that time.

In compliance with a resolution of the Senate of March, 1865, a board of Navy officers was appointed to inquire into and determine how much of the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowances for extra work.

The resolution adopted in the United States Senate March 9, 1865, was as follows:

That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work and report the same to the Senate next session; none but those that have given satisfaction to the Department to be considered.

Under an order from the Hon. Gideon Welles, then Secretary of the Navy, the following officers of the Navy were appointed: Thomas O. Selfridge, commandant and president of the board; Montgomery Fletcher, chief engineer, and Charles H. Eldridge, paymaster. This board held the first meeting June 6, 1865, and considered the claims contained in this bill until December 23, 1865. On July 12, 1865, the claimant, Mr. Thomas Stack, in this bill, made the following statement under oath before this naval board: That the contract for this vessel was signed by the Navy Department September 9, 1862, in which he was allowed one hundred and twenty-six days, or until January 13, 1863, to launch the vessel and deliver her to the engine builders; but she was not launched until March 7, 1863, the delay being caused by the difficulty of obtaining the composition stems; that the total cost of the vessel, including bill for extra work, was \$98,405.45; that the contract price was \$75,000, and that he received from the Bureau in the bill for extra work \$3,048.64; total amount received from the Government, \$78,048.64. That the excess of cost of vessel to him over and above the contract price and amount paid for extra work was \$18,356.41. The vessel was delivered to the engine builders March 7, 1863, who were allowed fifty days, or until April 26, 1863, to erect the machinery on board; but this work was not completed by them until November 5, 1863, by which delay on their part he was unable to complete the vessel, and he was at great loss by being compelled to pay larger prices for material and labor. There is no charge in the bill annexed to this record (marked No. 14) for any condemned material or faulty workmanship.

S. M. Pook, naval constructor, in his testimony for the Government before the Selfridge board on September 30, 1865, as printed in Senate Document No. 18, Thirty-ninth Congress, first session, page 30, says:

Having examined the bill of cost and extra work for the gunboat *Metacombet*, built by Thomas Stack & Co., I find the charges to be correct, fair, and reasonable, and consider that the extra bills should be paid in full.

The board recommended \$16,351.36, the amount the present bill appropriates.

Mr. MAHON. Mr. Chairman, if I can get the attention of the House for a moment, I simply want to state the facts in relation

to these Selfridge board claims. My ultimate effort is to get this matter into conference, to settle this whole bill. The story of the building up of the Navy at the beginning of the civil war is a long story. I am not going to read it, but I have an official document in my hand in which a high officer of the Navy Department states that the employment of a man by the name of Stimers, who was employed to draft these monitors, was the cause of all this trouble; that he was a man who knew absolutely nothing about it. He drafted the plans and specifications of these monitors, and they were taken by contract to be constructed by these boat builders. They were to be finished in six months, some 18 or 20 of them, because the war was pressing and we were without a Navy.

These contractors went to work speedily, under a threat of the Navy Department that if they did not complete these boats under those contracts and specifications at a certain price the Government would seize their shipyards and build the monitors themselves. Now, I want to say to the House that if the Government had acted in good faith toward these men this claim never would have been here. They would have completed their contract. What was the result? One shipbuilder did build his monitor within about five months and a half. They floated that monitor out in deep water, after they had put her guns on her, and she went down in 20 feet of water. That is what happened under the specifications of this man who drew the plans. Immediately the Navy Department issued an arbitrary order stopping all work upon these boats. New specifications had to be drawn, new plans had to be made, and again they were put to work. For a second time the boats failed to carry out their purpose, because they would not float. Again the Navy Department were compelled to stop work and to build the decks up 22 inches above the second design, because when the boats were completed a second time only 6 inches appeared above the surface of the water.

Now, I know these boats were all put under contract by the Government officers.

Mr. LITTLEFIELD. Were the failures of these boats for the purposes for which they were constructed on account of the failure of the contractors or the failure of the designers?

Mr. MAHON. It was the fault of the designers of the Navy Department. These parties went on with their contracts. Some of them were not completed until 1864. The Government paid these men the contracts for the change made in these boats; but then the Navy Department refused to pay these men for the advance in labor and material that they were put to by their delay.

Iron could be bought for \$30 a ton when the boats were contracted, and before they were completed it had run up to \$115 a ton. The men working in the shipyards at the time these contracts should have been completed were paid \$2.50 a day for labor, and before these boats were completed labor had risen to \$4.50, \$5, and \$6 a day in these shipyards. Now, these men simply ask that this Government pay them the difference between the increase in the price of labor and material from the time that the contracts were to have been finished until they were finished. Now let me read you a little to show why these contracts had to be changed. I read from the letter of Commodore Benjamin Isherwood, a man who knew all about this matter.

WASHINGTON, D. C., January 26, 1887.

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draft monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that although I was, as you state in your note above referred to, the Chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City and had placed Mr. Alban C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammelled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection without careful investigation of Mr. Stimers's abilities was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts. Under this system 20 vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about \$8,000,000, and there was, in

my opinion, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time, conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the materials and workmanship and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise, at that date, in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and as a result the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent, and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon or complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not at that time be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time by estimating the cost to the contractors of the original work, had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government, taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work, which was done according to the original contract, was much increased at the expense of the contractors.

Respectfully,

HON. BENJAMIN BUTTERWORTH.

B. F. ISHERWOOD.

I might also read this long report in the same line.

Congress has paid over one-half of the Selfridge board claims. This matter has been before Congress for a number of years. The Senate passed a resolution authorizing the Navy Department to appoint a board, and they appointed Commodore Selfridge at the head of the board, and a number of other officers, and their examinations covered a period of sixteen long months. This board went to the shipyards, examined the books of those concerns, put these men to their proof, and after a long and careful examination as to the increase of labor and the increased price of material they ascertained the amount due these men. Now, then, the Fifty-fifth Congress and the Congress before that has paid one-half of these men. One-half of the Selfridge board findings has been paid by the Congress of the United States. This is the last of them put in by the Senate.

Now, the gentleman from Alabama quoted from Senator Sumner. I want to read what Senator Sumner said in the Senate in 1866:

The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the avenue properly appreciated the character of the great contest that was then going on?

Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it. (Cong. Globe, p. 1387.)

The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in these mighty results which we all now enjoy.

And now, again I ask, Are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right [Mr. Nye] asked

you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that "Republics are ungrateful." I hope that this Republic may certainly vie with any monarchy in gratitude to those who have served it. (Cong. Globe, page 1987.)

Now, let me read what a distinguished Democrat said, the man that we all had a great admiration for. Senator Hendricks, who was elected Vice-President of the United States, in the same debate, said this:

I am of the opinion that these sums ought to be paid, as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have these ships; the Government could not progress in war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that?

The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course, to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims, without reference to the particular merit of each case. (Cong. Globe, p. 1890, 1896.)

The point is that these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed. (Cong. Globe, p. 1892.)

These contracts were made by some below their own propositions and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with the Government? Is there any Senator here who wishes to say to these men, "We have your bond and we will hold you to your bond; we will take the blood out of your business; we will have the pound of flesh?" (Cong. Globe, p. 1894.)

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. I would like to have three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chairs hears none.

Mr. MAHON. Mr. Chairman, I quoted from Senator Sumner, who was a Republican, a distinguished gentleman, and from Mr. Hendricks, who was on the opposite side. I could waste hours of this House reading from what some of the most distinguished men in both branches have said in advocating the payment of these claims. I could quote from men who were in the Senate and afterwards became judges in our courts.

Mr. HENRY C. SMITH. Will the gentleman allow me to ask him a question?

Mr. MAHON. Certainly.

Mr. HENRY C. SMITH. Have these Selfridge board claims ever been before the Court of Claims; and if they have not, can the gentleman give us any reason why they should not go there?

Mr. MAHON. This class of claims do not go to that court.

Mr. HENRY C. SMITH. Is there any reason why they should not go to that court for adjudication?

Mr. MAHON. There is every reason. You should not be asked to try your case before one court for eighteen months, and then be refused for thirty-five years to have the findings of that court confirmed. They would have to go to that court by special legislation.

Mr. UNDERWOOD. Is it not a fact that some of these claims have been sent to the Court of Claims before?

Mr. MAHON. No.

Mr. UNDERWOOD. Well, my understanding is there have been a few of them sent there.

Mr. MAHON. In the Fifty-fifth Congress \$700,000 of these claims were paid.

Mr. UNDERWOOD. Some of them, I believe, were sent to the Court of Claims.

Mr. MAHON. There may have been some, but they were mere isolated cases.

Now, Mr. Chairman, the Marchand board has no authority to pass on these claims of the Selfridge board. They were carefully examined by the Selfridge board. I might state something about that Marchand board that I do not want to state. That board was raised for a specific purpose. It was raised to pass upon the claims of certain boat builders, and when they had completed that work their duties ended. I will not name these men, but every member of Congress knows that these firms are in bad odor around this Congress. They excluded these men, and all men should have had a hearing.

Mr. CANNON. My recollection is that the Marchand board was a creature of law. The House, Senate, and President constituted it; that its findings as to the Selfridge board were born—

Mr. MAHON. In the Senate?

Mr. CANNON. By a Senate resolution, and that that very Congress that constituted the Selfridge board spat upon its findings. The Senate passed a bill true to their resolution, but the House refused to concur, and it was acquiesced in and the Marchand board was created, which was a board under the law, begotten of the law.

Mr. MAHON. Well, Congress has created many a child that Congress has turned out, and we had better let them sleep.

Mr. CANNON. I would rather have a legitimate child born under the Constitution than a bastard born by Senate resolution. [Laughter.]

Mr. MAHON. If the bastard become a good, sober, intelligent citizen, I would take him before I would a drunkard that has wallowed in the gutter. [Laughter.]

Mr. ROBERTS. Mr. Chairman, I judge from the remarks of the gentleman from Alabama that there is considerable confusion in his mind as to what was done by the so-called Selfridge board and the so-called Marchand board. I understood the gentleman to say that all of the cases passed on by the Selfridge board were afterwards retried, so to speak, before the Marchand board.

Mr. UNDERWOOD. If the gentleman will pardon me, I did not state that every one in detail, but that the Marchand board was appointed to reconsider the claims passed on by the Selfridge board, and that they reconsidered those claims, but not that every single contractor was heard.

Mr. ROBERTS. The gentleman is totally wrong. The Marchand board was not convened, was not organized to retry the Selfridge board claims. The Marchand board was organized to try an entirely new class of claims that had presented themselves after the institution of the Selfridge board. If the gentleman had made any study of this question he would know that the resolution establishing the Selfridge board limited the class of claims that could be brought before it; and it limited it to those claims in which the work performed had given satisfaction to the Navy Department, and only those could be considered.

This was held by the Selfridge board to include only such vessels and such engines as had been completed and accepted by the Government. When the Selfridge board was established there were many of these vessels that had not been completed, many of them that had not been accepted by the Government, and the same condition of affairs applied to them as to the others. Under the ruling of the Selfridge board these others could not be considered by that board. Hence, the necessity of a new tribunal to consider the new class of claims which had arisen.

Mr. THOMAS of Iowa. Will the gentleman yield for a question?

Mr. ROBERTS. Certainly.

Mr. THOMAS of Iowa. Is it not a fact that the Marchand board was organized under an act of Congress immediately after Congress had refused to carry out the findings of the Selfridge board, and that the same claims that were examined by the Selfridge board were afterwards presented to the Marchand board and findings had upon them?

Mr. ROBERTS. The gentleman is partly right and partly wrong.

Mr. THOMAS of Iowa. I am entirely right.

Mr. ROBERTS. I can not understand for the life of me why gentlemen on the floor cavil about one board being the board of the Government, and the other not being the board of the Government. The Selfridge board was created by an act of a coordinate branch of this Government, and appointed by the Secretary of the Navy, and they sat and discharged their duties, and the other, the Marchand board, was created by the joint action, but they were both boards representing the interests of the Government, and nothing else.

Mr. SIMS. Mr. Chairman—

Mr. ROBERTS. One moment. I want to say further that both boards, both the Selfridge board and the Marchand board, were appointed by the Secretary of the Navy. Why make a distinction between the legality, jurisdiction, and weight of the findings between these two boards? I want to refer to the weight of the findings later. Now, I will yield to the gentleman from Tennessee.

Mr. SIMS. I want to ask this question: Is it not a fact that under the Selfridge investigation the Government was not represented by any agent or attorney or anybody to take that side of it?

Mr. ROBERTS. Why, Mr. Chairman, the Government was represented by the naval officers, and they had the testimony of of the naval officers. The following witnesses were examined by the Government before the Selfridge board: United States Naval Constructors Pook, Delano; Chief Engineers Purse, Albert, King, Brooks, and Lawton; Government Inspectors Childs, Lowry, Betts, Hughes, and Drake, each of whom was examined fully, under oath. They were all examined under oath before the Selfridge board. They were called in there to protect the interests of the Government. Further, this board was in correspondence

with Rear-Admiral Gregory, who had charge of the gunboat contracts, with the Secretary of the Navy, with Chief Engineer Denby, with John Renthol, Chief of the Bureau of Construction, and B. F. Isherwood, Chief of the Bureau of Engineering, and Chief Engineer Fletcher, who from time to time they made personal investigation as testimony was offered to the board.

Mr. SIMS. Were they not limited in the scope of their inquiry to the increased cost of labor and material only?

Mr. ROBERTS. No; I do not know that there was such a limitation. I understand that they were there to find out generally the increased expense to these people.

Mr. SIMS. One other question: Is it not a fact that the equities growing out of the case in favor of the Government, and the payments made by the Government were not considered by the Selfridge board?

Mr. ROBERTS. I do not so understand. I infer that they took into consideration all the circumstances attending these cases.

Now, I want to refer to some of those circumstances attending the giving of these contracts, which were considered by the Selfridge board, particularly the machinery contracts; and I want to refer to some of the testimony before the Court of Claims in the case of the Washington Iron Works. This same B. F. Isherwood, Chief of the Bureau of Engineering, was a witness, and he testified under oath that he had been an engineer about thirty years; this was in 1873—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. I ask for five minutes more.

There was no objection.

Mr. ROBERTS. He testified that he had been in the service of the United States as an engineer for twenty-eight or twenty-nine years. He was asked—

State, if you please, what you had to do with the making of the contracts for said machinery.

Then he goes on to say that by direction of the Department he advertised for bids for different engines (these are the class of claims relating to engines); that he got bids running all the way from \$80,000 to \$125,000 for engines, the two lowest bids being \$80,000 and \$82,000. The Department decided they would not pay more than \$82,000, and they let two contracts, one for \$80,000 and one for \$82,000. They were to let as many at \$82,000 as they could get men to take. They could not get the engine builders of this country to take those contracts at those figures. Then what did the Navy Department do? It sent its Chief Engineer around to all the shops of the United States that were available and instructed him to urge upon these engine builders as a patriotic duty that they take these contracts at the price the Government was willing to give.

Now, here is a question of which I wish the House to note the answer, because it involves a vital point:

State, if you please, what arguments you used to induce the parties who took this contract to construct the machinery to so take it.

Then Chief Engineer Isherwood, of the Navy, tells what he did under the instructions of the Secretary of the Navy:

Answer. The general scope of the arguments was that the Government was very greatly in need of this work, and that, as loyal supporters of the Government, they were bound to meet its needs; that a refusal to do so would place them in the category of those not entitled to the patronage of the Department hereafter.

Note that if they did not come in and take these contracts at the price the Government saw fit to pay they were to be blacklisted, and could expect thereafter no more Government work. But that was not all:

I also stated that unless the shops responded to the best of their ability to the exigencies of the Department I would recommend what I had before suggested to the Department, to take possession of the shops and have them operated exclusively for the Government work.

Those were the conditions under which these loyal citizens of the North were induced to take these contracts, for which they now seek adequate compensation. First they were threatened with being blacklisted, so that they would receive no more Government work, and when that threat did not operate they were confronted with the threat that the Government would step in and take their shops and run them for the benefit of the Government, thus shutting them out of all the other remunerative work that they were getting.

Then on top of that they were asked to take the contract for these engines without having before them the plans of the machinery that they were to bid on. They were told, in the case of Buckmaster, that the engines would not be more than twice as expensive as the engines on certain ferryboats; they were told that would be the limit of expense for those engines. Yet when the plans came the engines to be constructed were vastly more expensive than twice the expense of ferryboat engines.

These are the class of claims that were brought before this Selfridge board.

Now, a word or two more in regard to the Selfridge and

Marchand boards. The Selfridge board sat for months with open doors, inviting these different claimants to come before them with their testimony. The claimants appeared; their witnesses were put under oath. Every bit of testimony which appears in the report of the Selfridge board, which I have here somewhere, this thick document which I exhibit to the House, the original report, represented months of careful search and inquiry, with Government witnesses before it, and all testimony under oath.

Now, how about the Marchand board, this much vaunted Marchand board that sat about four months, a little less, behind closed doors? All the opportunity the claimants had before that board was to send in a written statement of what they claimed. There was no testimony taken under oath. The claimant was not allowed to appear with his witnesses and state his case, and after four months of star-chamber proceedings this much vaunted Marchand board makes this report, which is contained on less than two pages of paper, and yet that is the board we are supposed to follow. We do not know how the Marchand board arrived at its findings. They locked themselves in; they did not want anybody to know how they were getting at it, and yet we are asked to abide by the finding of that board as against the findings of the Selfridge board, which operated in the broad daylight, and was casting about everywhere to get all the information it could get in the interests of the Government, not in the interests of the claimants.

Mr. Chairman, in view of the careful, patient, accurate work of the Selfridge board; in view of the fact that subsequent Congresses, notwithstanding the statement of the gentleman from Illinois [Mr. CANNON] that Congress repudiated that board and spat upon it immediately it filed its report; in view of the action of subsequent Congresses which have adopted the findings of that Selfridge board to the extent of over \$1,200,000, and in view of the fact that we have only about \$700,000 worth of these claims left to clean up all those findings, I submit that we, sitting here in the Fifty-seventh Congress, should abide by the findings of the Selfridge board, and not by those of the star-chamber proceedings. I want to read right here in this connection the following:

Two high officers of the United States Navy, Admiral Hichborn and Commander Webster, testified as witnesses for the United States in the Snowden case (Court of Claims, No. 16829) that the conclusions of that board "both of law and fact were contrary to the right and justice of the matter," and that "it did not accord to claimants an opportunity to present their claims."

What board? The Selfridge board? Oh, no; the Marchand board, to which so many members on the other side of the Chamber particularly wish to bow down and submit. Those are the facts, and those are the two boards, and those were the jurisdictions of the two boards, and I have given you the findings of the two boards.

Now, I say in all fairness, Why should not we accept the findings of that board, which sat in broad daylight? Why, the gentleman from Illinois [Mr. CANNON] says that the Congress which appointed the Selfridge board spat upon it. Now, let us see who spat upon it. Immediately after their report a bill passed through the Senate, paying the claim on the *Comanche*, the amount of which had been found by the Selfridge board. Here are some of the men who did not spit on the findings of the Selfridge board: Nathaniel Banks, James G. Blaine, Boutwell, Butler, Hays. Those were some of the men who were in Congress at the time the Selfridge board was in session, who were here when they made their findings, and who are supposed to know something about the trustworthiness of the report of that board.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. CROOK, one of his secretaries.

ALLOWANCE FOR CERTAIN CLAIMS FOR STORES, ETC.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I would like the attention of the committee for about five minutes, and I trust not to ask for more than that. I think I can state in substance this transaction from the beginning. I will not take much time. In former Congresses, dating back twenty-eight years, from time to time I have made a study of these claims. They have been rejected from time to time, but after being turned down time and again, like hope, they spring eternal. Now, what is the fact? During the war the Government had need of certain boats. Specifications were made, advertisements, and contracts. That contract or those contracts gave the Government the right to change the specifications and provided that any changes that might be made should be paid for.

The Government had the right under the contract made, not under duress, to make the changes, and did make changes from time to time, and the Government paid every cent for extra work under the contract, amounting to many millions of dollars in the

aggregate, and there was a full settlement, a final payment in settlement of the contract as it was originally made, and for all changes. The transaction was closed. Now, then, shortly after the close of the war, the people all living that helped make those appropriations, the Senate of the United States passed a resolution creating what was called the Selfridge board to pass on these claims, and this appropriates the findings of the Selfridge board, which shall be in full discharge of same. Now, that board was an ex parte board.

Mr. ALEXANDER. Will the gentleman from Illinois allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. I have but five minutes, but I will yield to a question.

Mr. ALEXANDER. On what are the claims based?

Mr. CANNON. Oh, on anything necessary to get something out of the Treasury that does not belong to them. [Laughter.] Claim! Why, the vilest sinner on earth, without having his sins forgiven, can claim to pass St. Peter's gate. Claims are the easiest things on earth. I have stated that there was a full settlement and payment for extras, and that these amounted to multiplied millions of dollars.

Now, this ex parte board sat and made its report. It came to the Senate. The Senate created it. The Senate considered the claim and passed a bill appropriating according to the recommendations of the Selfridge board. I speak respectfully of a subordinate branch, or of a body that sits elsewhere, but I apprehend that then as now matters passed more readily there than in a larger body, and naturally so. I do not speak in derogation of the Senate, but I speak of it parliamentarily. It came to the House, and the House of Representatives, coming from the people, rose up and said, "We will not have it," and refused to concur and pass the Senate bill. What was the result? In conference it was provided that a new board should be created, and then the legitimate board was created by law. That board met and made its report, and every finding of that board was promptly appropriated for by Congress.

Mr. MAHON. Will the gentleman allow me to ask him a question? Is it not a fact that these very men, who sat less than three or four months, absolutely sat down on the men who are now asking for consideration; that they took a few favorites of the chief of that board and paid them and refused to do anything for the others?

Mr. CANNON. The members of the Marchand board are dead and gone. Nearly everybody is dead and gone who was in that Congress, just at the close of the war, and I am speaking historically.

Mr. MAHON. The gentleman has not answered my question, whether they did not exclude these men.

Mr. CANNON. I do not know whether they did or not, but I am informed from the statement of the gentleman from Alabama [Mr. UNDERWOOD] that these men or most of them presented their claims before the Marchand board, and all the while, signed, sealed, and delivered, was the final receipt in full from every one of these men for all claims and demands under contract and for extras now in the records of the Government.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. That Congress that was contemporary and familiar with all the facts refused this relief. In the fullness of time that Congress passed away. I doubt if there is a man living to-day who was a member of it in either House or Senate. I began to come here about 1873, and along in the late seventies and then in the eighties we heard these flowery speeches about the poor claimants, and up jumped the Selfridge board claims, and on Friday, frequently without a quorum, with our hands full of our business with the living matters of the day, we being new men then, first one claim slipped through and then another, and then they said, "You have paid one. Why treat one differently from the other?" Well, that is a pretty good argument sometimes, but if a man steals your horse, shall another man come and steal the whole livery stable? [Laughter.] There is not much in that.

Mr. ROBERTS. You might give him the halter.

Mr. CANNON. Yes; you might give him the halter, says my friend. But giving is one thing, if the halter belongs to you; but if you and I stand for the time being as the custodians of the Treasury we ought not to give away the money that comes from the multiplied millions of men who live in the sweat of their faces and of the women who wash that they may live.

A MEMBER. What about the unwashed?

Mr. CANNON. Well, as for the unwashed, worse still. Gen-

tleman may laugh and find it funny, but somebody somewhere ought to voice the 70,000,000 of people who have got to pay this bill. That is what I claim.

Now, there ought to be a statute of limitation. I suppose if this is turned down to-day, in the next Congress on an omnibus claims bill it will come back. I think it likely, if we do not pay it, that fifty years from now it will come, the attorney, perhaps, having his contingent fee, somebody having bought the claim perhaps for a song. Here it will come, and what assurance have you, after you give this, that they will not come for more? Why, claims constantly come where Congress has granted relief, and they come back and say Congress did not give enough. With a change in the membership of Congress, and a claim persistently prosecuted, there you are! I think it would be fortunate if we had a constitutional amendment covering a statute of limitations to send everybody that has a legal claim to the court and let him abide by the decision, and take from us the power to pass upon these claims.

Now, that is about all I want to say. So far as I am concerned I have always heretofore, after full investigation, time and again voted against these claims. They have no legal standing; and, measuring my words, from the best investigation I have been able to give them from time to time in God's chancery, they have no claim upon the American people. [Loud applause.]

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate upon this amendment be limited to ten minutes, giving five to the gentleman from New York [Mr. SHERMAN] and five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to discuss this matter, and I do not think I could debate it in five minutes.

Mr. DE ARMOND. I should like to have a little time on the amendment too.

Mr. CANNON. It seems to me—

Mr. MAHON. Make it fifteen or make it twenty, and give ten on each side.

Mr. DE ARMOND. I would like to have a few minutes on this matter.

Mr. UNDERWOOD. Let the debate run for a little while, as I think you would get through quicker.

Mr. MAHON. I do not want to be discourteous. This is the only day this committee has in Congress, and it has been waiting a long time. I want to be courteous to the gentleman from Missouri, the gentleman from Tennessee, and the gentleman from New York, and if the gentlemen will indicate what time they will need I will endeavor to accommodate them. How much time does the gentleman from Missouri want?

Mr. DE ARMOND. About ten minutes.

Mr. MAHON. How much time does the gentleman from Tennessee want?

Mr. SIMS. I can not tell. If questions are not asked, I think I can get through in about ten minutes; but if questions are asked, I may not.

Mr. MAHON. I move that the gentleman from Missouri may have ten minutes, the gentleman from Tennessee ten minutes, and the gentleman from New York five minutes, and then the debate shall be closed on this amendment.

The CHAIRMAN. Twenty-five minutes.

Mr. LINDSAY. I would like to have five minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that debate upon the motion offered by the gentleman from Alabama be closed in twenty-five minutes, the time to be allotted as stated by the gentleman.

Mr. CANNON. I do not think that motion ought to be adopted.

The CHAIRMAN. The question is on the adoption of the motion to close debate in twenty-five minutes.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Several MEMBERS. Division!

The committee divided, and there were—ayes 40, noes 35.

So the motion was agreed to.

Mr. SIMS. Mr. Chairman, I have no feeling in this case due to any malice or to any dislike for the claimants, for I do not know who they are. But I want to say, Mr. Chairman and gentlemen of the House, that we reported a bill here from the Committee on War Claims of the House, and we came in and stated to the House we have a bill here, an omnibus bill, with nothing on earth except claims that have been passed on by the Court of Claims and determined in favor of the claimant. We would not let any other class of claims, or anything come in except claims that had been passed upon by the Court of Claims, where the Government had been represented.

That is what we did, and the House passed a bill with \$198,000 of this class of claims. The bill went from the House to the Senate without a claim that had not been referred to and determined by a court of competent jurisdiction. It has come back from the other end of the Capitol, and to it, a bill which had claims for \$198,000, has been added \$3,000,000, or nearly so. I state that there

is not a gentleman in this House that knows all about these 600 items or knows anything about them. It is utterly impossible. And what does the Senate do? The Senate, instead of amending our bill, strikes out every item in our bill and then brings in a bill with our items named first in it, and then we are asked to nonconcur in the very items this House has voted in favor of.

Now, their claims may be just, but I think I can see through the philosophy of it. They find that these claims that have been passed upon by the Court of Claims have been favorably considered, are distributed over such a large territory of the country, they demand such a support, as will enable these other claims to be pulled through by them. They could not have been put on here for any other reason. The committee put on no claims in this bill that had not been referred to the Court of Claims and passed upon, and they were passed upon in Committee of the Whole and reported and passed in the House.

Mr. MAHON. I would like to ask the gentleman a question.

Mr. SIMS. Certainly.

Mr. MAHON. The gentleman certainly knows that in the Senate they have no Committee on War Claims. Their committee is the Committee on Claims. Every claim under the Bowman Act or the Tucker Act which goes to the Senate would go in, and we can not put in any miscellaneous claims. We have no jurisdiction there, and in two-thirds of the claims put in by the Senate they have jurisdiction where we have none. That is the way bills are often passed; and why not agree to that?

Mr. SIMS. Oh, yes; they do as you say.

Mr. MAHON. They want it added.

Mr. SIMS. I want to say to the House that I shall move to concur in the claims that were on the bill as it passed the House, and I have no objection to a conference on the rest of them. This House having passed on \$198,000 of them, I wanted those to be on the bill.

Mr. MAHON. You would stick the knife in the other fellow, but put it in the sheaf when it came to yourself.

Mr. SIMS. There is no use sending to a conference committee that which the House has already considered. I shall move to nonconcur in what the House has not considered, and to concur in all those from the Court of Claims that we have already passed on.

Why, suppose I am on a conference committee and I take up the House claims passed by the House after a long and tedious debate, and I am instructed by the very same House to fight against them as a Senate amendment by a motion to nonconcur. Now, why not concur in the items we have already passed favorably, and nonconcur in the Senate amendments purely and properly? That part of the bill which the House has passed upon ought not to be in here as a Senate amendment; the Senate could have added their items to our bill, but they did not do it. I do not want to make any improper charges, and I will not do it, for I do not know; but I can give no other reason for striking out the whole House bill and putting the whole in as a Senate amendment and letting it all go together but the fact that they wanted it all to go together or fail together.

Now, Mr. Chairman, some of these claims are from my district; many are from my State; but I shall not, as a member of that committee, stand up here and favor the payment of claims I do not believe are just; that as a member of the committee and a member of the House I can not sanction, simply to get justice to those, which has been long delayed, who live in my own State. I could not do it conscientiously and I do not want to do it in any other way.

I have no feeling against the Selfridge board claims. The particular vessels that were built, the total amount of contract price for all of them was \$14,201,000; that was the contract by the Government. The total additional amount claimed by the contractors on account of the advance in material and labor, caused by the change in specifications, as they claim, was \$10,184,592.50. Now, the Government has paid upon the amount claimed \$5,302,847.

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy to "examine the claims of certain contractors for the construction of vessels of war and steam machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureaus.)
Secor & Co. and Perine, Secor & Co.	River and harbor monitors Manhattan, Tecumseh, and Mahopac.	\$1,380,000.00	\$1,236,101.22	\$115,530.01	\$521,195.58
Alexander Swift & Co.	River and harbor monitors Oneota and Catawba.	920,000.00	685,757.22	None.	322,849.08
Snowden & Mason.	River and harbor monitor Manayunk.	460,000.00	339,025.00	None.	166,582.24
Miles Greenwood.	River and harbor monitor Tippecanoe.	460,000.00	349,455.33	None.	173,827.84
Harrison Loring.	River and harbor monitor Canonicus.	460,000.00	267,709.40	38,513.00	162,063.22
J. B. & W. W. Cornell.	Turrets, etc., Miantonomoh and Tonawanda.	282,050.00	461,777.72	None.	292,657.93
Atlantic Works, Boston.	Turrets, etc., Monadnock and Agamenticus.	265,000.00	427,323.64	None.	280,322.18
Charles W. Whitney.	Ironclad Keokuk.				
Snowden & Mason.	Light-draft monitor Umpqua.	395,000.00	346,457.46	None.	166,582.24
Merrick & Sons.	Light-draft monitor Yazoo.	395,000.00	294,676.14	None.	175,725.19
Wilcox & Whiting.	Light-draft monitor Koka.	386,000.00	305,425.21	None.	165,638.53
Donald McKay.	Light-draft monitor Nauset.	386,000.00	314,768.93	None.	192,110.98

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended five minutes. Is there objection?

Mr. MAHON. I object.

Mr. SIMS. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. The amendment is not in order at this time.

Mr. SHERMAN. I will yield the gentleman two minutes of my five.

Mr. SIMS. Two minutes is not sufficient at this time. I thank the gentleman.

Mr. CANNON. Mr. Chairman, I ask unanimous consent, as the gentleman is on this committee, that his time be extended ten minutes, not to be taken out of the time of any other person.

Mr. MAHON. We have limited debate to thirty-five minutes.

Mr. CANNON. Well, I ask unanimous consent that he have ten minutes, not to be taken out of that time.

Mr. MAHON. I do not object to that.

The CHAIRMAN. Let the Chair understand. The time for debate on this paragraph has been limited. Does the Chair understand that this ten minutes is to extend that time?

Mr. CANNON. Yes; to extend it ten minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Tennessee be extended ten minutes, which time is not to be taken out of the time originally determined upon when debate should be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. I thank the committee. I have no desire, Mr. Chairman, to occupy the time of the House only to give the facts as they have been given to me. I just stated that the Government considered every item of cost due to Government delay—advance in material and labor—and they paid \$5,302,847.91 above contract price. As I have always understood it, and now understand it, the Selfridge board was limited to the investigation of the increase of cost to the contractor due to advance of material and labor caused by the delay of the Government, and they did not consider anything else, and reported upon evidence which was furnished by the contractor and nobody else. There were no witnesses on the part of the Government; they had no right to appear, and the board so limited it.

The Marchand board, afterwards formed, went over the same items, or nearly all of them, and found only one hundred and fifty-seven thousand and some odd dollars due, all of which has been paid.

I have no feeling against these findings more than any other claims, but if you are going to pay additional amounts to contractors for the Government every time they lose and take nothing back from them when they make a profit, you might as well have no contract at all. There is no use of going through the farce of publishing or advertising for bids if contractors can show that they lost money and come to Congress and be paid for it. Does anybody believe if the price of labor and materials had gone down so that these gentlemen would have reaped a large profit—larger than was contemplated by them—that they would come to the Government and hand over the excess of profit? What sort of a precedent is this? We have vessels built recently, and these contractors may come and say that they lost money, and it was due to advance in material on account of trusts and combines, drought and distress, and that we ought to pay these losses. Why talk about being held up by the Government? I tell you there is very little holding up by the Government that is not for the benefit of the held up.

I here insert in full the table, which I have not time to read in detail, showing the amount claimed by contractors over contract price, and the amounts that have been paid by the Government:

Tabular statement showing the result of the action of the board appointed July 6, 1867, etc.—Continued.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureaus.)
William Perine	Light-draft monitor Naubac	\$395,000.00	\$287,470.93	None.	\$127,440.00
A. & W. Denmead & Sons	Light-draft monitor Waxsaw	395,000.00	321,360.91	None.	198,587.32
George C. Bestor	Light-draft monitor Shiloh	386,000.00	364,073.55	None.	207,311.00
Atlantic Works, Boston	Light-draft monitor Casco	395,000.00	234,067.78	\$4,852.58	132,701.57
Curtis & Tilden	Light-draft monitor Shawnee	386,000.00	393,138.20	None.	196,319.70
C. W. McCord	Light-draft monitor Etah	386,000.00	364,073.55	None.	207,311.00
McKay & Aldus	Light-draft monitor Squando	395,000.00	337,329.46	None.	194,535.70
George W. Lawrence	Light-draft monitor Wassuc	386,000.00	210,099.62	None.	169,815.37
Aquilla Adams	Light-draft monitor Chimo	395,000.00	377,243.20	4,852.58	225,445.52
Alexander Swift & Co	Light-draft monitors Klamuth and Ruma	780,000.00	678,446.34	None.	415,970.68
M. F. Merritt	Light-draft monitor Cohoes	395,000.00	318,735.99	4,852.58	201,968.28
J. O. Underhill	Light-draft monitor Modoc	395,000.00	214,435.72	None.	127,609.35
Tomlinson, Hartup & Co	River monitors Sandusky and Marietta	376,000.00	314,850.36	15,171.00	94,079.14
Donald McKay	Iron double-ender Ashuelot	275,000.00	81,447.50	None.	22,415.92
T. F. Rowland	Iron double-ender Muscoota	275,000.00	71,565.21	None.	21,642.83
Zeno Secor	Iron double-ender Mohongo	275,000.00	84,144.13	None.	32,882.23
Harrison Loring	Iron double-ender Winnepec	275,000.00	70,443.16	None.	23,132.24
Paul Curtis	Wooden double-ender Chicopee	75,000.00	20,292.96	None.	5,739.85
George W. Lawrence	Wooden double-enders Agawam and Pontiosuc	150,000.00	50,987.95	None.	10,377.00
Larrabee & Allen	Wooden double-ender Iosco	75,000.00	25,914.90	None.	7,268.68
Edward Lupton	Wooden double-ender Lenapes	75,000.00	70,493.94	None.	5,923.48
Daniel S. Mereshon, jr	Wooden double-ender Mingo	75,000.00	31,583.34	None.	None.
J. J. Abrahams	Wooden double-ender Eutaw	75,000.00	17,412.66	None.	200.00
Curtis & Tilden	Wooden double-ender Massasoit	75,000.00	17,388.82	None.	4,918.41
Daniel S. Mereshon, jr	Wooden double-ender Cimarron *				
Thomas Stack	Wooden double-ender Port Royal	100,000.00	20,758.79	None.	57.00
A. & G. T. Sampson	Wooden double-ender Mattabesett	75,000.00	20,377.49	None.	3,723.30
Curtis & Tilden	Wooden double-ender Osceola	75,000.00	16,225.63	None.	4,485.41
F. Z. Tucker	Wooden double-ender Mendota	75,000.00	25,388.71	None.	4,631.53
Thomas Stack	Wooden double-ender Metacomet	75,000.00	27,769.80	None.	4,081.27
S. Simonson	Wooden double-ender Chenango	75,000.00	19,969.98	None.	3,528.17
Globe Works, Boston	Steam machinery of ship Guerrière	400,000.00	30,508.02	None.	14,149.27
William Perine	Iron tug Triana	128,000.00	47,773.22	None.	5,142.22
Do	Iron tug Maria	80,000.00	31,049.88	None.	
Poole & Hunt	Machinery of wooden double-ender Mackinaw	82,000.00	11,844.96	8,694.81	943.89
J. P. Morris, Towne & Co.	Machinery of wooden double-ender Tacony	82,000.00	27,518.57	None.	8,494.57
Total		14,201,000.00	10,184,592.50	157,475.55	5,302,847.91

*Not considered as within the province of the board.

J. B. MARCHAND, Commodore, and President of Board.
J. W. KING, Chief Engineer, and Member of Board.
EDWARD FOSTER, Paymaster, and Member of Board.

NAVY DEPARTMENT, Washington, D. C., November 26, 1867.

Mr. Chairman, I think the proper way to treat this bill is to concur in so much of it as was included in the original House bill—and that part is easily separable—and let us go to conference on the rest. There is no use in going over these items, amounting to \$198,000, that the Committee on War Claims has gone over, that the Committee of the Whole of this House has gone over, and that the House has solemnly voted for. There is no use of taking those matters again into consideration because the Senate has struck them all out and has inserted one entire amendment. There is no use loading down the conferees with extra work of that kind. If the purpose was not to force through the rest of this bill—French spoliation claims, Selfridge board claims, and miscellaneous matters of various kinds—I can see no reason why we should not concur in that much of the Senate amendment as it now comes to us.

The House was so kind as to give me extra time, but I have no wish to occupy the floor further. I have no feeling whatever in regard to this matter, but I am not willing to vote for what I think wrong simply because some of the money appropriated may go to my district.

Mr. DE ARMOND. Mr. Chairman, if the items in dispute now were small, and if the persons preferring them were poor and weak, and if there were a design to beat them, the task would be very easy and the result would be very sure. But the items being large and the influence behind them being powerful, the prospect of defeating them is by no means good.

It seems somewhat strange that there should be this great quantity of "good" claims, with the mold of thirty or thirty-five years upon them. It seems very strange that the people who dealt with them in the days when they were fresh—when the facts were known, when the evidence against them as well as the evidence for them was obtainable—did not see their merit, but with their eyes open rejected them; and that now, when the evidence upon the one side has gone and the evidence upon the other side seems not even to be necessary, they may be rushed through wholesale and without consideration. It would seem, if we wished to do what is right by the taxpayers, if we wished to treat the small claimant and the large claimant with equal justice, then the most that could be offered by anybody, preferring any of these stale old claims, would be a request for a hearing upon the merits, taking in all the case, before some tribunal where, leisurely and according to the processes known to the courts, the whole matter could be examined and justice done.

It is totally impossible, in a body like this, to consider in a few hours of hasty debate, grudgingly allowed, a dozen, or fifty, or a hundred, or five hundred claims, such as are pending now in this amendment. There may be some of them with merit, or a modicum of merit. That a large share of them are totally without merit, trumped up, totally unworthy of consideration in any tribunal, designing to do justice, seems to me to be clear beyond the possibility of a doubt.

It is not for us here—and it would be useless if we should indulge in that pastime—to speculate as to how these claims came upon this bill in the Senate. Glancing over the CONGRESSIONAL RECORD, we do not find any lengthy debate; we do not find any evidence of careful examination. We find abundant evidence of a complaisant disposition and a ready acquiescence, rather than anything indicating that there has been careful examination or any painstaking desire to get at the truth and the merits, and to act according to the truth and the merits.

I have but little hope that the House will do what it seems to me it ought to do, reject these claims, both because they are without merit and because it is totally impossible for the House to consider them and ascertain what, if anything, of merit may be in any one of them. We have so often here the spectacle of the small claimant, interested to the extent of one hundred, two hundred, five hundred, or a thousand dollars in a claim against the Government, growing weary with waiting with prosecuting his claim, growing old as the years go by and justice is denied, and finally dropping out of life, with the claim unsettled, unconsidered, and still pending, while a combination of holders of large claims, trumped up, having nothing of merit in them, lacking everything of merit, can somehow push the big, bad claims through both Houses of Congress and get at the Treasury.

It is not possible here—it is absolutely impossible—to investigate and reach a conclusion understandingly upon a single one of these items. Yet here they are by hundreds, and men are hungry to push them through; hungry to raid the Treasury for the benefit of their friends; hungry, it may be, to raid the Treasury merely as a pastime; indifferent to the rights of the public; coldly and stolidly indifferent to the rights of the small claimant; reckless and profligate in dealing with the large ones. If the good people of the country could know how the rights of the poor, humble citizen are postponed, know the little chance he has for fair or prompt consideration, know how the claims of the millionaire lobbyist, the claims of the combination and trust in the

jobbery of claims may be rushed through, it certainly would be a piece of information very edifying to them, but one which they would by no means relish. I do hope, even against hope, that the House will reject this batch of bogus claims, aggregating no one knows just how many millions of dollars.

Mr. POWERS of Massachusetts. Mr. Chairman, I do not understand that there are any facts in controversy regarding the claims presented. The facts are these: At the breaking out of the civil war the United States had no Navy. They commenced at once the construction of vessels and also the construction of machinery to be placed in those vessels. The Government at that time had little or no knowledge about the making of ships, and the shipyards at that time had very little knowledge of the making of war vessels. Now, in 1862 and in 1863 the Government entered into certain contracts for the building of ships and for the equipping of those ships with machinery.

In those times, Mr. Chairman, conditions changed every minute. Material commenced to go up, labor commenced to go up. The Government found that it had made mistakes in its designs and specifications, and it commenced at once to make changes, and from time to time in making those changes it increased the cost of those vessels. At the close of the war these parties who had made these vessels found that they had cost them about twice the contract price, and they made a claim upon the Government, and the Senate by resolution constituted what is known as the Selfridge Board, a board made up of a commodore, a chief engineer, and another officer of the United States Navy. Acting under that resolution they proceeded at once to make an examination and found the actual cost which each of the claimants had been put to in the construction of these vessels.

Now, I do not undertake to say that if these claimants had sued the Government at the time and the Government had been permitted to set up every technical defense that it might not have defeated those claims. On the other hand, no one can say that the technical defense which the Government could have set up would have defeated those claims, because the Government, as I understand it, had broken its contract with these contractors. Now, what are these parties asking for to-day? They are asking that they shall be paid the actual cost of those vessels, as found by a board constituted by the United States Government. Is that unfair? Is there any gentleman in this House who, after nearly forty years, desires to say that these men who, in the time of their country's peril, came to their country's aid, and under conditions which made it impossible to make a wise contract, shall not have back the money which they expended in performing a contract under which they entered into with the Government?

Mr. SCOTT. Will the gentleman permit an inquiry? I understood the gentleman from Illinois [Mr. CANNON] to say that all these claimants had received the full amount of their due, and the Government held their receipt in full.

Mr. MAHON. Receipts for the contract price only.

Mr. POWERS of Massachusetts. They undoubtedly received the contract price, but I do not understand the Government holds their receipts in full, neither do I understand that they have ever received anything in compensation for the extra expense that they were put to by reason of the increased price of labor and the increased price of material.

Mr. SCOTT. May I ask how long it is since the award of the Selfridge board was made?

Mr. POWERS of Massachusetts. The award was made in 1867, and from 1867 down to the present time these claimants have come before Congress, and if I am not mistaken the Senate at different times has favored their payment, and the House at different times has also favored their payment. Now, the present year, as I understand it, the committee favors the payment of these claims. Nearly one-half of them have already been paid, and what earthly reason is there why the other half should not be paid? If it is an equitable claim it ought to be paid, and this great Republic, with all its wealth, with all its reputation for fair dealing, can not to-day in conscience say to these men who performed this work forty years ago, and who have waited all this time for their money, that they shall not have the face of what they expended in performing the contract loyally and honestly for the Government. You must bear in mind, also, Mr. Chairman, that during this time there were delays caused by enlistment, and by draft, and the conditions were such that no contractor ought to be held to conditions as they existed during the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I do not propose to detain the committee for my full five minutes, nor to enter into a discussion of the merits of this case. I just want to say a word. The gentleman from Illinois [Mr. CANNON] intimates that the Selfridge board is or was the creature of the Senate of the United States. The Senate of the United States, it is true, provided for the board, but the board was named by the Secretary of the Navy. Now, Mr. Chairman, this is this case: The Secretary of the Navy named

the board that considered this case. Every claimant was dependent, substantially, entirely upon Government witnesses to make his case. And yet that board finds in favor of every claimant. Now, when I as a plaintiff can choose my own judge, can select my own jury, when my opponent is dependent entirely upon my testimony and the testimony of those in my employ, and the verdict of that jury is against me, I shall take no appeal, and that is all there is in this amendment, and it ought to be voted down.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to print my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] to strike out that portion of the Senate amendment which the Clerk will state.

The Clerk read as follows:

Strike out, beginning with line 18, page 95, all the remainder of page 95 and all of pages 96, 97, 98, 99, and 100.

The question being taken, on a division (demanded by Mr. SHERMAN) there were—ayes 67, noes 59.

Mr. MAHON demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. MAHON and Mr. UNDERWOOD.

The committee again divided; and the tellers reported—ayes 75, noes 72.

Accordingly the motion was agreed to.

Mr. MAHON. Mr. Chairman, I move that the House non-concur in the Senate amendment and ask for a conference, and that the bill be reported to the House with that recommendation.

The CHAIRMAN. The Chair will state, in order that there may be no misunderstanding about the parliamentary situation, that the Chair stated some time ago to the gentleman from Missouri [Mr. ROBB] that if he desired to offer an amendment it would be in order at this time.

Mr. ROBB. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amend the bill by inserting after the word "dollars," in line 17, page 95, the following:

"To the heirs and legal representatives of John W. Hancock, deceased, of Iron County, Mo., the sum of \$1,160."

Mr. ROBB. Mr. Chairman, I desire to make a brief statement in regard to this amendment. I introduced a bill on this subject, which was referred to the committee, and I supposed that it had been incorporated in this bill. The claim embraced in the amendment was referred to the Court of Claims by the Committee on War Claims on March 3, 1883, was considered by the Court of Claims and reported back June 17, 1892. The claim is for supplies, which consisted of horses furnished the Army during the war. The findings of the court are brief. First, the court finds that the claimant was loyal to the Government of the United States throughout the war. That is the preliminary finding.

The court then finds that in September, 1864, Capt. Pinckney L. Powers, of Company H, Forty-seventh Missouri Volunteers, was instructed by General Rosecrans, then commanding the Department of Missouri, to purchase horses and mount his company so that it might be used as mounted infantry. The instructions were not in writing, but appear to have been confirmed by the facts that General Rosecrans sent inspectors to inspect the horses purchased by Captain Powers, and that horses so inspected were purchased and paid for, and that the company was mounted.

The court further finds that pursuant to the instructions referred to, Captain Powers purchased from the claimant eight horses, at prices ranging from \$140 to \$150, subject to inspection. The legal title to the property was not to pass to the United States until inspected, but the horses were immediately turned over to Captain Powers, and were held by him with Government horses in the claimant's stable at Pilot Knob. While so awaiting inspection they, with other horses, some of which belonged to the Government, were captured by the enemy on the 27th of September, 1864. No vouchers were issued to the claimant for these horses, and he has never been paid therefor, nor had the horses been branded. The total amount to be paid for these horses, if they passed inspection, was \$1,160. It appears that the horses were sound and serviceable, and that they probably would have passed inspection.

The court also find that the sale of the horses took place on the 23d of September, the capture on the 27th. The inspectors were delayed in coming by the advance of the Confederate forces, popularly known as "Price's raid." At the time of the sale it was expected that the inspection would take place immediately; that is, that inspectors would be sent from St. Louis within two or three days. It does not appear that there was negligence or delay on the part of the Quartermaster's Department in sending inspectors.

Now, there is the finding of the Court of Claims ten years ago, finding the loyalty of the claimant, finding the value of the property sold, finding that the horses were sold and delivered to the officer of the Army and were in his possession at the time they were captured by the enemy. Why this claim has not been paid before this time I am unable to understand. I am satisfied that it is as just and legal a claim against the Government as any one embraced in this bill. Just preceding this amendment is an allowance to Mr. Isaac G. Whitworth, of a claim of precisely the same character, on a finding by the Court of Claims. I introduced the bills about the same time. I am disposed to believe that the committee from some cause or other simply overlooked this claim. I think that if the committee had considered the claim it would have been embraced in the bill, and I hope there will be no objection to the adoption of the amendment.

It is a finding by the Court of Claims; it is for supplies. There is no question about the justice or legality of the claim. As to the question of loyalty, some one asks. I stated a while ago that the court found that the claimant was loyal throughout the war. I can not conceive of any objection to the adoption of this amendment, and hope it will be adopted. I move the adoption of the amendment.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. MAHON. Mr. Chairman, the bill is being read for amendment. I move that the committee rise and report this bill to the House with the recommendation to nonconcur in the Senate amendment, and ask for a conference.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee agree to report this bill to the House with the recommendation that it nonconcur in the Senate amendment, and that a committee of conference be appointed.

The motion was agreed to.

Mr. CANNON. Mr. Chairman, I want to ask the parliamentary status before we go out of the committee. The gentleman from Missouri moved an amendment. I suppose that is equivalent to a nonconcurrence with an amendment.

The CHAIRMAN. In the opinion of the Chair the situation is the same as if in Committee of the Whole an amendment had been offered and carried to the bill, and then the bill itself had been negatively reported.

Mr. CANNON. Therefore it has no—

The CHAIRMAN. Therefore it has no particular significance at this time.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the Senate amendment to the bill H. R. 8587, and, having made two amendments thereto, had instructed him to report the bill back to the House with the recommendation that the House do nonconcur in the Senate amendment and ask for a conference.

Mr. MAHON. Mr. Speaker, I now move that the House nonconcur and ask for a conference.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania that the House nonconcur in the Senate amendment and ask for a conference.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The Chair did not state the question so that we could know what we are called to vote upon.

The SPEAKER pro tempore. The question is on disagreeing to the Senate amendment to the omnibus claim bill and to ask for a conference.

Mr. RICHARDSON of Tennessee. What I would like to ask, Mr. Speaker, is, What is the effect as to the adoption in the Committee of the Whole, and the recommendation of the Chairman of that committee, as to nonconcurrence in the balance of the amendment? In other words, if we nonconcur now in the Senate amendment, then we attempt to amend. Very much of it is not attempted to be amended, and that goes to the conference nonconcurring in as well as to the other portion of the amendment. What is the effect, in other words, of the vote of the Committee of the Whole to nonconcur in a portion of the Senate amendment? The Senate amendment was amended in Committee of the Whole and then nonconcurring in. Well, then, is not the effect of that, Mr. Speaker—and I ask it because it is a new proposition, because it is a new question—the entire Senate amendment is nonconcurring in on this proposition?

The SPEAKER pro tempore. That is right.

Mr. RICHARDSON of Tennessee. What more has been done in Committee of the Whole, which is simply a committee of the House, except to nonconcur in the Selfridge board amendment? I submit that the Selfridge board amendment or any portion of

the Senate amendment would go into conference, it seems to me, whether we desire to or not. But I desire to ask the ruling of the Chair as to whether it goes to conference or not. I confess it is a novel and new question, and I am not advocating the Selfridge board claims. I simply want to know the parliamentary status when it goes into conference.

Mr. UNDERWOOD. I made the motion to strike out the items. My object in doing so was to instruct the conferees. Of course, I think these other portions of the bill could have been concurred in and this nonconcurring in; but as gentlemen interested in the bill, who had claims, desired to send the bill to conference, I have made no attempt to move to concur, because the gentlemen interested in the claims did not want to concur. But my object in making the fight in the committee was not to affect its parliamentary status, because that can not be done without we nonconcur, but it amounted to a vote of this House to instruct, not in so many words, but practically instruct the conferees not to concur in these Selfridge-board claims without they violated the wishes of the House. I think that is all there is in the parliamentary situation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to nonconcur in the Senate amendment.

Mr. ROBB. Mr. Speaker, before that vote is put I would like to know the parliamentary situation in respect to the amendment offered by me in Committee of the Whole, which was adopted unanimously.

The SPEAKER pro tempore. The gentleman's motion is not in because there is a motion to nonconcur. If there had been a concurrence the gentleman's amendment would be in. The question is on the motion of the gentleman from Pennsylvania to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

Mr. MAHON. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. OLMSTED in the chair.

A. W. CAMPBELL AND OTHERS.

The first business on the Private Calendar was the bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, upon the requisition of the Secretary of War, without further audit, allowance, or restatement of the claims by the accounting officers, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, or to their legal representatives in case of their death since the allowance of their claims by the accounting officers, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers, under the provisions of the act of July 4, 1864, since February 2, 1897, namely:

OHIO.

To John C. and Lushion I. H. Goings, sons of John A. Goings, deceased, late of Greene County, \$80.

TENNESSEE.

To Robert Stewart, administrator of Thomas Stewart, deceased, late of Shelby County, \$270.

NEBRASKA.

To A. W. Campbell, of Boxelder, formerly of Roane County, Tenn., \$100.

Mr. GIBSON. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

J. V. WORLEY.

The next business on the Private Calendar was the bill (H. R. 2974) for the relief of J. V. Worley.

The Clerk read the bill as follows:

Be it enacted, etc., That the sum of \$40 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and that the same be paid to J. V. Worley, of Hardin County, Tenn., to reimburse him for a like sum wrongfully collected from him by the United States marshal for the eastern division of the western district of Tennessee, in the sixth judicial circuit thereof.

The bill was laid aside to be reported to the House with a favorable recommendation.

FLORA A. DARLING.

Mr. OTJEN. Mr. Chairman, I ask unanimous consent to take up the bill S. 1902, Calendar number 681.

Mr. SIMS. What is the bill?

Mr. OTJEN. It is for the relief of Flora A. Darling. It has been reported ten different times to the House.

Mr. SIMS. Is that the bill dealing with the asphalt pavement?

Mr. OTJEN. Oh, no; it is to recompense Mrs. Darling for the goods taken while she was under a flag of truce.

Mr. BROMWELL. Mr. Chairman, I would like to ask whether it is too late to object to the taking up of this bill. I think the Calendar ought to be taken up in its order so that those industrious members who get their work in early and the bills on to the Calendar shall not be debarred in getting their bills through by taking up later ones on the Calendar.

The CHAIRMAN. It is in order to object.

Mr. BROMWELL. Then I object to taking up the bills out of order.

BENJAMIN F. FOX.

The next business on the Private Calendar was the House resolution 56.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 3317) for the relief of Benjamin F. Fox, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1887, and commonly known as the Tucker Act.

The resolution was laid aside to be reported to the House with a favorable recommendation.

WILLIAM P. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 647) for the relief of William P. Marshall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, the sum of \$200 to William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry, being the amount due him for bounty.

Mr. LOUD. Mr. Chairman, I think it is fair to the committee to know what this bounty is.

Mr. MAHON. Let the report be read.

The CHAIRMAN. If there is no objection, the report will be read.

The Clerk read the report (by Mr. MAHON), as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 647) entitled "A bill for the relief of William P. Marshall," beg leave to submit the following report, and recommend that said bill do pass without amendment:

A favorable report on this case was made by this committee in the Fifty-sixth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 1414, Fifty-sixth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 7038) for the relief of William P. Marshall, beg leave to submit the following report, and recommend that said bill pass without amendment:

A favorable report on this case was made by this committee in the Fifty-sixth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 330, Fifty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1844) for the relief of W. P. Marshall, submit the following report:

Your committee report that they concur in the conclusions embodied in the report from the Committee on War Claims of the Fifty-fourth Congress, a copy thereof being hereto attached as part of this report.

Your committee recommend the passage of the bill.

[House Report No. 1246, Fifty-fourth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5501) for the relief of W. P. Marshall, submit the following report:

This is a claim for bounty alleged to be due William P. Marshall, late a private in Company H, One hundredth Pennsylvania Infantry Volunteers. The records of the War Department show that William P. Marshall was enrolled December 12, 1861, and mustered into service January 6, 1862, as a private in Company H, One hundredth Pennsylvania Infantry Volunteers, to serve during the war; that he was discharged the service August 27, 1862, on surgeon's certificate of disability, in which it is stated that he was suffering from hydrothorax and that he had been "off duty six months and still unfit."

Claimant alleges hernia (left inguinal) received by heavy lifting June 16, 1862, and also by a fall from collision of steamers August 18, 1862. The claimant is sustained in both statements by witnesses personally cognizant of the facts. He gets a pension for "left inguinal hernia."

Your committee is of the opinion that the disease for which he was discharged was the result of the injuries at one or both places above mentioned, and that he is entitled to a bounty of \$100 under the terms of the act of July 22, 1861, and a bounty of \$100 under the terms of the act of July 23, 1863.

The following are the acts above mentioned:

[12 Stat. L., p. 239.]

[Extract from an act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.]

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army: *Provided*, That the allowances of noncommissioned officers and privates for clothing, when not furnished in kind, shall be \$3.50 per month, and that each company officer, noncommissioned officer, private, musician, and artificer of cavalry shall furnish his own horse and horse equipments and shall receive 40 cents per day for their use and risk, except that in case the horse shall become disabled or shall die the allowance shall cease until the disability be removed or another horse supplied. Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid at the rate of 50 cents in lieu of subsistence,

and if a cavalry volunteer, 25 cents additional in lieu of forage, for every 20 miles of travel from his place of enrollment to the place of muster, the distance to be measured by the shortest usually traveled route, and when honorably discharged an allowance at the same rate from the place of his discharge to his place of enrollment, and in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of \$100: *Provided*, That such of the companies of cavalry herein provided for as may require it may be furnished with horses and horse equipments in the same manner as in the United States Army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of \$100.

Approved July 22, 1861.

[14 Stat. L., p. 322.]

[Extract from an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.]

SEC. 12. *And be it further enacted*, That each and every soldier who enlisted into the Army of the United States after the 15th day of April, 1861, for a period of not less than three years, and having served the time of his enlistment has been honorably discharged, and who has received or who is entitled to receive from the United States under existing laws a bounty of \$100 and no more, and any such soldier enlisted for not less than three years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of \$100 hereby authorized.

SEC. 13. *And be it further enacted*, That each and every soldier who enlisted into the Army of the United States after the 14th day of April, 1861, for a period of not less than two years and who is not included in the foregoing section and has been honorably discharged after serving two years, and who has received or is entitled to receive from the United States, under existing laws, a bounty of \$100 and no more, shall be paid an additional bounty of \$50, and any such soldier enlisted for not less than two years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of \$50 hereby authorized.

SEC. 14. *And be it further enacted*, That any soldier who shall have bartered, sold, assigned, transferred, loaned, exchanged, or given away his final discharge papers, or any interest in the bounty provided by this or any other act of Congress, shall not be entitled to receive any additional bounty whatever; and when application is made by any soldier for said bounty he shall be required, under the pains and penalties of perjury, to make oath or affirmation of his identity, and that he has not so bartered, sold, assigned, transferred, exchanged, loaned, or given away either his discharge papers or any interest in any bounty as aforesaid. And no claim for such bounty shall be entertained by the Paymaster-General or other accounting or disbursing officer except upon receipt of the claimant's discharge papers, accompanied by the statement under oath, as by this section provided.

SEC. 15. *And be it further enacted*, That in the payment of the additional bounty herein provided for, it shall be the duty of the Paymaster-General, under such rules and regulations as may be prescribed by the Secretary of War, to cause to be examined the accounts of each and every soldier who makes application therefor, and if found entitled thereto shall pay said bounties.

SEC. 16. *And be it further enacted*, That in the reception, examination, settlement, and payment of claims for said additional bounty due the widows or heirs of deceased soldiers the accounting officers of the Treasury shall be governed by the restrictions prescribed for the Paymaster-General by the Secretary of War, and the payment shall be made in like manner under the direction of the Secretary of the Treasury.

Approved July 28, 1866.

Your committee attach hereto a letter from W. P. Marshall, and ask that it be printed as a part of this report:

CLAIM FOR BOUNTY.

DEAR SIR: There being no law or ruling by Department of the Interior covering my claim for bounty, and having been informed by Department of the Interior that, notwithstanding the fact that I proved and made my claim for pension to the satisfaction of the Pension Department (on account of hernia of left side received while in line of duty at James Island, South Carolina, July 16, 1862, for which pension certificate No. 183536 was granted me in March, 1881), cuts no figure whatever in bounty claims. The law in regard to bounty reads, as I understand it, that all soldiers enlisting for three years after August 1, 1861, and have served two years of their time of enlistment, shall receive bounty money to the extent of \$200.

All soldiers discharged for injuries received while in the line of duty, and are discharged from the service before the expiration of two years on account of said injuries, shall receive \$200 bounty. This law was in force, I think, from August, 1861, to August, 1863. After 1863 all soldiers enlisted received the bounty, as the two-year restriction was done away with. (See bounty laws.)

I first enlisted in the Ninth Indiana Infantry in April, 1861—first call for troops for three months' service. I again enlisted December 11, 1861, for three years, in Company H, One hundredth Pennsylvania Volunteer Infantry; was discharged from the service August 27, 1863, on account of being unfit for active duty. Now I come to the point upon which I base my claim for the bounty, which I claim I am entitled to under existing laws, but have never received, owing to an oversight on the part of my regimental surgeon, Dr. Horace Ludington, and ruling of Department of the Interior in my case.

During an engagement with the enemy June 16, 1862, on James Island, South Carolina, I was detailed from my command to assist in placing heavy artillery in position. While doing this duty I received inguinal hernia of left lower part of abdomen; was taken to hospital and treated for same by regimental surgeon, Dr. Ludington, whose affidavit is on file with Pension Department to that effect. In a few days after the above occurrence my command was ordered to Port Royal, S. C. From this point we were ordered to Newport News, Va. (I being on the sick list all this time). From Newport News my command was ordered to join General Pope near Bull Run. I was left in hospital at Newport News. On or about August 13, 1862, I, with others, was ordered to embark on board the steamship *West Point*, bound for Aquia Creek, Virginia, there to be landed for some purpose which I am not cognizant of.

About 7 p. m., as we were proceeding up the river, we collided with the steamship *Geo. Peabody*. The *West Point* had her bow stove in, and sank in a few minutes in 8 fathoms of water. All on board were drowned except some 16 persons. After the collision I found that I was fast in the wreckage,

and was rapidly sinking with our vessel. In my struggle to get loose, or in my struggle in the water to save my life after I did get loose, I ruptured myself in same place for which I had been treated on James Island and in hospital. I, with others, was picked up by the gunboat *Thunderer* and taken on board of a large steamship of General Burnside's command, and by it taken to Alexandria, Va. At Alexandria I was placed in Fairfax Seminary Hospital for treatment, from which hospital I was discharged from the service August 27, 1862.

There are affidavits on file with Pension Department in regard to all the above from Dr. Horace Ludington, regimental surgeon; Col. Daniel Leasure, colonel of regiment; Capt. R. J. Ross, captain of Company H; Robert Watson, private, Company H, all of my regiment, the One hundredth Pennsylvania Infantry. All of the above named made affidavit as to my injuries, etc. I have been and am shut off from bounty under existing laws for this reason. Although I received inguinal hernia at James Island and was treated for such injury, the surgeon, either through neglect, lack of time, or incompetency, failed to make his report show for what cause I was in the hospital, and simply has me marked as being sick at that time.

When taken to Fairfax Hospital I was bleeding at mouth considerably on account of internal injury received in or during the wreck spoken of. The surgeons, under Daniel P. Smith in charge, did not examine me or treat me for the rupture, as it had not fully developed while under their charge, but did treat me for the internal injury, which afterwards caused or proved to be a rupture in the former place mentioned. I was eventually discharged by the surgeons for hydrothorax (dropsy of the chest), a disease I never had; if so, I would have been dead long time ago.

I find that the only way I can get that which is justly due me, owing to present laws, is by special act of Congress. The fact that I have made my claim clear in Pension Office, backed by the affidavits of officers above named, ought, in my mind, be sufficient evidence that I did receive the injury as stated, and that members of Congress will recognize the fact and grant me the bounty.

Should you need assistance in this matter, or proof as to my hernia, I will refer you to Dr. Jethro A. Hatch, Congressman-elect from Tenth Indiana district. He was the first surgeon to examine me (per order of Government) when I made application for pension.

There should be a law passed or rule made covering such cases as mine; there are quite a number of them. The law or rule should be something after this order:

Where an ex-soldier has proven beyond a doubt and to the satisfaction of the Pension Department that certain injuries were received while in line of duty, to the extent that pension will be granted him, ought to be *prima facie* evidence with the Department of the Interior in cases of bounty claim. Like my case, there are many ex-soldiers barred from bounty on account of carelessness on the part of regimental surgeons to properly report their cases. Many surgeons drank much whisky during the war.

Respectfully, yours,

W. P. MARSHALL,

90 East Twenty-second Street, Chicago, Ill.

Hon. H. R. BELKNAP, M. C.,
Washington, D. C.

Your committee report back the bill and recommend its passage with the following amendment:

In line 7 strike out "the bounty due him under the bounty laws" and insert in lieu thereof "the sum of two hundred dollars for bounty due him."

Mr. LOUD (interrupting the reading). Mr. Chairman, enough of the report has been read to show the character of this claim. I want to say to the gentleman that if this man has a claim for a bounty there is no doubt in the world but what he can get it by going to the War Department at as late a date as this and secure that bounty.

Mr. MAHON. They say they can not pay it; that there is no money to pay it.

Mr. LOUD. That is a mistake. It is a little bill; it is only \$200.

Mr. MAHON. All I know about it is that it is Judge CRUMPACKER's bill, and he said that this was the only way that the man could get his money.

Mr. LOUD. If this man has a claim he can go to the Auditor of the War Department and get it audited, and then he will get his money. You are proposing to give the money by a round-about way. You are proposing to give him \$125 or \$130 more than he could ever get any other way. If he has a claim for a bounty it would not exceed \$8.33 $\frac{1}{3}$ a month for his term of service. Here you are attempting to lump the act of 1861 and the act of 1867 together. The gentleman knows that after all the bounty acts were passed they were finally equalized, and each man was given \$8.33 $\frac{1}{3}$ a month. This man's term of service was less than one year, and so if he has a claim he can not secure \$100 at the War Department, therefore he comes here, probably without any claim whatever, and attempts to get out of Congress additional bounty. Mr. Chairman, this claim ought not to pass.

Mr. MAHON. This bill was presented by Judge CRUMPACKER, of Indiana. It is a small claim and I have confidence in the gentleman from Indiana. I told him to examine the law properly as to the proof and report, and this report was made. I am satisfied that the gentleman from Indiana would not have reported anything that was not correct.

Mr. LOUD. I do not think the gentleman would report anything he did not believe to be correct, but even as good men as the gentleman from Indiana are sometimes mistaken.

Mr. MAHON. I have no special interest in this bill whatever, except that I have faith in the gentleman from Indiana, and I know that he believes the bill ought to pass.

Mr. LOUD. I am not going to take part in passing any bill upon the mere report of any member here, because the best men in the House are sometimes mistaken. Now, the gentleman from Pennsylvania [Mr. MAHON] knows something about bounty and something about the service of soldiers. He knows that the Audi-

tor of the War Department is to-day passing upon claims of this kind—

Mr. MAHON. I suggest that we let this bill be passed over without prejudice. The next time it comes up the gentleman from Indiana will no doubt be here.

Mr. LOUD. I have no objection to that suggestion, although I think the bill ought to be defeated. It has no business before this House. There is nothing that can be said in its favor. The gentleman from Pennsylvania well knows that any man who has an equitable and just claim of this kind can go before the Auditor of the War Department and have his claim passed upon.

Mr. MAHON. I would like that the gentleman from Indiana should have his day in court. I move that the bill be passed over without prejudice.

The motion was agreed to.

BILLS PASSED OVER.

Mr. MAHON. I ask that the next three bills on the Calendar—House bill 1591, House bill 1010, and House bill 5896—be passed over without prejudice.

The motion was agreed to.

Mr. MAHON. I ask also that House bill No. 5070, in which the gentleman from Indiana [Mr. LANDIS] is interested, and House bill 1937, in which the gentleman from Pennsylvania [Mr. WANGER] is interested, be passed over without prejudice, both of those gentlemen being absent.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 9290) granting a pension to Frances L. Ackley disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 12346. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufula, Ala., or in the city of Columbus, Ga.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.; and

H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4693) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

S. J. BAYARD SCHINDEL.

The committee resumed its session.

The next business was the bill (H. R. 8769) for the relief of S. J. Bayard Schindel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be credited the accounts of Lieut. S. J. Bayard Schindel, commissary Sixth Regiment United States Infantry, with the sum of \$77.13, being for subsistence funds stolen from the commissary storehouse by unknown parties, and for which he was responsible.

Mr. BROMWELL. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

JOSIAH B. ORBISON.

The next business was the bill (H. R. 2782) authorizing and directing the repayment to Josiah B. Orbison, of Donegal Township, Butler County, Pa., the sum of \$300 that he paid to avoid the draft in 1863.

The bill was read, as follows:

Be it enacted, etc., That the honorable Secretary of the Treasury of the United States is hereby authorized and directed to pay, or cause to be paid, out of any money now or hereafter to be appropriated for the payment of

claims, to Josiah B. Orbison, a colored man and a descendant of the African race, the sum of \$300; same when paid to be in full for all claims that said Josiah B. Orbison has against the United States of America by reason of his being compelled to pay said sum of \$300 to avoid the performance of military duty as a conscript from Donegal Township, Butler County, Pa., on the 31st day of August, 1863, at a time when he was not subject to military duty, not being a citizen, not entitled to vote, and not entitled to hold office.

Mr. MAHON. This is the case of a colored man who was drafted into the military service and compelled to pay \$300 as computation, when, as claimed, he was not subject to military duty.

Mr. CANNON. Let us have the report read. I suppose we do not want to go into the business of making reimbursement in cases of this class. It would take us a long time before we got through.

The CHAIRMAN. Shall this bill be laid aside to be reported favorably to the House?

Mr. LOUD. I hope not.

Mr. PAYNE. I ask for the reading of the report.

Mr. LOUD. I should like to be heard, if I am recognized.

Mr. PAYNE. Let us have the report read.

Mr. LOUD. That can be done later on.

The CHAIRMAN. The gentleman from California [Mr. LOUD] is entitled to the floor.

Mr. LOUD. Mr. Chairman, the House evidently recognizes this claim. I do not see why some industrious advocate of the claim did not have it put into the "omnibus bill." That is where it will ultimately go.

Mr. MAHON. Oh, never; it could never get my vote to go there.

Mr. LOUD. Well, there are very few claims ever presented before Congress, having sought every possible avenue to secure favorable consideration, that do not ultimately bring up in what is denominated an "omnibus bill."

Mr. MAHON. Why does not the gentleman make some motion to dispose of the bill?

Mr. HAUGEN. I move that the bill be passed over without prejudice.

The CHAIRMAN. The gentleman from California [Mr. LOUD] has the floor. Does he yield for that motion?

Mr. LOUD. No; I think we might as well dispose of this bill now as some other time. This is simply an old claim—a proposition to refund—

Mr. MAHON. I desire to move that the Committee of the Whole rise, in order that the Military Committee may take up their bill.

Mr. LOUD. Well, let us adopt a motion that this bill be reported to the House with the recommendation that it lie on the table. I make that motion, and when it is acted on the gentleman from Pennsylvania can move that the committee rise.

The question being taken, the motion of Mr. LOUD was agreed to.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report these bills to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills upon the Private Calendar, and had instructed him to report the bills H. R. 2494, 4974, 8769, and House resolution No. 56 with the recommendation that they do pass, and also report back the bill H. R. 2782 with a recommendation that the same do lie on the table.

CLAIMS REPORTED BY THE TREASURY DEPARTMENT.

The bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

J. V. WORLEY.

The bill (H. R. 2974) for the relief of J. V. Worley, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

BENJAMIN F. FOX.

House resolution 56 for the relief of Benjamin F. Fox, reported favorably from the Committee of the Whole, was considered, and agreed to.

S. J. BAYARD SCHINDEL.

The bill (H. R. 8769) for the relief of S. J. Bayard Schindel, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

JOSIAH B. ORBISON.

The bill (H. R. 2782) authorizing and directing the repayment to Josiah B. Orbison, of Donegal County, Pa., the sum of \$300

that he paid to avoid the draft in 1863, reported from the Committee of the Whole with a recommendation that the bill lie upon the table, was considered, and the recommendation agreed to.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

PAN-AMERICAN RAILWAY.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, with respect to the resolution concerning a Pan-American railway, adopted by the Second International Conference of the American States, recently held at the City of Mexico.

I recommend an appropriation by Congress of the sum of \$20,000, or so much thereof as may be necessary, to enable the President to appoint two commissioners to visit Central and South America to carry the purpose of the resolution into effect, and to investigate and report upon the means of extending the commerce of the United States with those regions.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 22, 1902.

The message and accompanying documents were ordered to be printed and referred to the Committee on Foreign Affairs.

MILITARY ACADEMY.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13670) making appropriations for the Military Academy.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. JENKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13670) making appropriations for the Military Academy, and the Clerk will read.

The Clerk read as follows:

For purchase of Welsbach burner or other suitable incandescent lights, drop lights, tubing, mantles, etc., \$20.

Mr. FEELY. Mr. Chairman, I move to strike out the last word. I for one am glad that there is inserted into this bill a provision for the purchase of Welsbach lights. I think that those lights will be needed in the Military Academy to throw some glamour over the interpretation of the treaty of Washington made yesterday by the gentleman from Massachusetts. The Washington Post to-day contains a dispatch which contains a commentary upon us by a British officer, which I commend to the House as a sweet opinion entertained concerning us by one of our Anglo-Saxon cousins:

BRITISH OFFICER DEFIANT—SAYS ALMIGHTY DOLLAR RULES AND MULE SHIPMENTS WILL CONTINUE.

CHICAGO, April 21.

"Mules will continue to be shipped to South Africa as long as the 'almighty dollar' rules America," declared Gen. Sir Robert Stewart, an officer of high rank in the artillery branch of the British army, who arrived at Chicago to-day.

"England is not at all alarmed over the investigation at New Orleans," continued General Stewart. "There is no denying that mules and horses are shipped to South Africa by our Government, and it is nonsense to talk of stopping it. We probably will begin shipping your American mustangs to South Africa also."

When General Stewart returns to London he will report favorably on the adaptability of the mustang for use in the British army. While here he has arranged for the purchase of hundreds of the wiry little animals should his Government act favorably on his report.

The interpretation placed upon the treaty of Washington is truly remarkable. He seems to confine that interpretation purely to naval operations, and to believe that these words contained in the treaty have reference to nothing else but naval warfare:

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Now, Mr. Chairman, a new light will come into the field of international law if the nations are bound to accept the interpretations of the gentleman from Massachusetts [Mr. GILLET] on that point. He shows an incredulity which is truly remarkable and true Yankee characteristics when he says that there is not sufficient truth adduced here that there are maintained in this country military camps for the purchase, under the supervision of British officers, of horses and mules to be used by the British army for the war in South Africa. Will he be satisfied with the statement of a member of this House who has personal knowledge of the maintenance of these camps in his district?

Mr. Chairman, there are maintained to-day—outside of the one in Louisiana, outside of the one referred to by the gentleman from Missouri in his district—two camps in the county of St. Clair, in the State of Illinois, near the cities of Belleville and East St. Louis, which are operated for this purpose. Members may demur to this and say that the individual citizen of the United States has a right under the law to sell stock to be used for this

purpose; but, gentlemen, if we had a statesman in the office of Secretary of State of the character and of the Americanism of Richard Olney, of Massachusetts, a way would be found to stop the loading and shipping from the port of New Orleans of these horses and mules to be sent to South Africa to take part in this war.

Mr. CHAIRMAN, it is a poor diplomacy, it is a poor exhibition of American statesmanship to deny the existence of these camps, and it is certainly an encroachment on the very outside boundaries of the rules of international law, when an interpretative law is relied upon to prevent any interference with the shipping of horses and mules to South Africa. It is well known that this is not the only infraction of the laws of neutrality which has been committed without let or hindrance by the executive department of the Government. As has appeared in the public prints, as appeared in the report of those sent officially to investigate, men are taken from our ports to South Africa and there inveigled to enter the service of the British army. Can it be said, by reason of the fact that nobody has sufficiently pointed out enough official evidence to warrant Executive interference, that this condition does not really exist?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FEELY. Mr. Chairman, I ask unanimous consent to be permitted to proceed for five minutes.

Mr. CAPRON. Mr. Chairman, I object, and I ask unanimous consent that the gentleman be allowed to extend his remarks in the RECORD.

Mr. FEELY. I do not desire that. I will get time hereafter. The Clerk read as follows:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, \$3,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than \$3,500,000: *Provided further*, That after the preparation and approval of the plans herein provided, the Secretary of War is authorized to enter into a contract or contracts for any part or all of the improvements herein authorized within the said limit of cost, to be paid for from the appropriations annually made for this purpose: *Provided further*, That no money shall be expended or obligation incurred for supervising architects after the plans for improvements above provided for have been approved by the Secretary of War.

Mr. HULL. Mr. Chairman, by direction of the Committee on Military Affairs I move to amend by striking out the word "three," in line 12, page 29, and inserting the word "two," so that it will appropriate at once for these improvements \$2,000,000 instead of \$3,000,000.

The Clerk read as follows:

In line 12, page 29, strike out "three" and insert "two."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I am further instructed to move to amend the bill in line 21, page 29, by striking out the word "six" and inserting the word "five," so as to limit the cost to \$5,500,000 instead of \$6,500,000.

The Clerk read as follows:

On page 29, in line 21, strike out "six" and insert "five."

Mr. CANNON. Mr. Chairman, I quite agree with this amendment, and am very glad indeed that the Committee on Military Affairs have recommended it. I am not here to say that they ought to have recommended a still further reduction, because I have very great respect for the personnel of that committee. They have investigated the matter and, I understand, have visited West Point and have given the subject that kindergarten observation, besides what they get from documents. I am inclined to think, with all due respect to the committee, that these cadets might have been provided for and that the present plan could have been utilized, with an extension that would have been much less expensive than the authorization of this bill.

I do not speak positively touching that matter, because I have not given it that investigation that the committee has given it. I want to say enough, however, to put myself upon record, and, I trust, the committee as well. I say it for that object. As I take up the estimate that I have here—perhaps not an estimate so much as a printed plan and a drawing showing the proposed improvements, and a description of what they are and what they will cost, and from an examination of the plans by Mr. Larned, who, I believe, is an officer or a professor at West Point, I am inclined to believe that everything contemplated from the standpoint of utility as well as of proper architectural effect and permanency of construction can be made for five million and a half of dollars, as the committee propose to limit it.

That includes roads, grading, and water, and heat and light—the whole thing. The object of my making this statement—and

I trust if I am correct about it I will receive the assent of the Committee on Military Affairs—is that whoever expends this money may be placed upon notice that the plans and specifications and contracts shall be made so as to complete this work entirely from the beginning to end, and that next year, or two years from now, or five years hereafter, we will not have additional estimates for construction at West Point. I do this because sometimes zealous officials in expending public money use it as far as it will go, and then come to the succeeding Congress for additional appropriation. There is an amendment I want to offer a little later, unless the gentleman will offer it himself.

Mr. PARKER. Mr. Chairman, I do not desire to delay the committee by extended remarks at the present time, but rather to avail myself of their permission to submit some considerations with reference to the enlargement of the Military Academy at West Point.

Necessities speak for themselves. The accommodations of the post are entirely insufficient for the number of cadets now provided by law. Of the 452 cadets now at the Point 192 are now actually living 3 in a room and 24 are living 4 in a room. Sixty-eight additional rooms are required in order to allow 1 room to 2 cadets for the maximum corps of 511 now provided for by law. Forty-eight additional rooms are required in the same barracks to provide orderly rooms, storerooms, and quarters for tactical officers, so that 116 more rooms are absolutely needed at the present time in the cadet barracks to provide for the force of cadets who may be at the post under the present law.

The heating and lighting plant of the post is grossly insufficient. There are not quarters for the expanded corps of instructors. The chapel will only hold about half of those who wish to attend. The riding hall is only big enough for 32 men to drill at once, out of the 500. It is greatly to be desired that a full troop of cavalry and full battery of light artillery should be stationed at this post, and quarters must be provided for them and for their officers.

Provision for these necessities will require a practical rearrangement of many of the buildings, which have been scattered over the limited area of level ground existing at the post; so that with larger numbers the replacement and consolidation of many of these buildings are needed, not only to economize space, but to save money in heating and lighting and to bring all the branches of instruction so near to one another that time shall not be wasted.

By this bill as amended the sum of \$5,500,000 is appropriated for these purposes, and is a moderate appropriation. The Naval Academy at Annapolis received \$8,000,000 for like purposes, and that Academy also enjoys the free use of vessels of war for instruction. The ground and buildings for artillery and cavalry drill naturally need to be larger than for the schools and foot drill of the Navy. The sum asked is certainly moderate.

Exactly what plan for this enlargement shall be adopted is left to the Secretary of War. In this the provisions of the bill follow exactly the model which was furnished in the act for the enlargement of the Naval Academy (act of June 7, 1900, Fifty-sixth Congress, first session; Stats., p. 696). It is expected that in the preparation and adoption of these plans the Secretary of War will call to his aid, not only officers of the Army and of the post, but also such architects as he may wish to consult, in order that the plan shall be in all respects worthy of the situation.

It is not intended to create any abodes of luxury. The cadets are to be two in a room, as heretofore, in plain quarters suitable for a soldier. The cadet gray of the old granite buildings now existing is to be preserved, as well as the plainness and simplicity of the architecture, which fit in so beautifully amid the green of the surrounding hills. It is not for Congress to decide upon the details of such plans. It must be left to others and to experts to determine what is most needed, how to make the most of the room, and how to build so as to be in line for further enlargement as the nation shall grow and the numbers at the Point shall increase.

We must trust the judgment of the Secretary of War as to whom he employs. We have given him full liberty to obtain the best talent that can be had in the preparation of the plans. We have added what we may regard as a most wise provision that the work of actual construction shall be supervised by the officers of the Army, whose exacting and careful oversight will give us buildings that shall last and save expense as far as may be.

We need say no more about the necessity of this appropriation for a school of which the whole nation has been proud for a hundred years. No one can visit West Point without his heart being lifted up with the thought of the deeds that have there transpired. The mind goes back of the establishment of the Academy to the time when that point protected the only communication between the New England States and those west and south of the Hudson River; to a time when Fort Clinton on the plain and

Fort Putnam on the heights and the great chain across the river to Constitution Island held back the British fleet, which dominated the city of New York, and protected a way for the patriots of the Revolution and for the carriage of their supplies.

We look across the river to the country place whence Benedict Arnold made his escape. We realize that this little fort was formerly the keystone of our new-built arch of independence, while we remember, too, that its buildings, nestling beneath the hills, have been the cradle of the Army. The civil war taught us that we could not get along without it. We began with citizen generals, and they mostly failed. It is true that during that war men were trained in the school of war who took their place with the best who came from the West Point Military School.

But our reliance, after all, was on the small corps of men who had been instructed there, and who afterwards leaped into high command. Some came from the Regular Army—almost more from civil life. But we do not forget that our great commanders, Grant and Lee, McClellan, Jackson, Meade, the two Sheridans, Thomas, Sheridan, Joseph E. Johnston and Albert Sidney Johnston, Rosecrans, Bragg, Hooker, Franklin, and Gregg—but why should I prolong the list? The leaders of both sides of the greatest conflict that the world has ever seen were mostly from that little school at the fort which held the gate between the scattered States of the Revolution.

West Point has always been unique among military schools. There is none like it in the world. In other countries the instruction in a particular school is confined to one branch. Artillery, cavalry, engineering, etc., each has its own school. But Americans have always believed that the true soldier must know something of all these branches in order to be fitted for high command and to meet the emergencies that may come upon him. Sheridan leaped from an infantry company into the command of cavalry, and his familiarity with cavalry had been acquired at West Point.

It is only recently that we have learned that the same knowledge of all branches may be exacted in the Navy, so that the captain must likewise be an engineer and artilleryman and a torpedo expert. Perhaps we have carried the principle further in the Navy by providing for the transfer of officers from one branch to another in the regular course of their duties throughout their professional life. It may be wise hereafter to adopt the same course in the Army, but at present we rely upon West Point alone to supply an officer with the general knowledge which will enable a general officer to fortify his camp and properly direct his artillery, cavalry, and infantry.

We demand that all this shall be learned in the short term of four years. The course of study has been crowded until it has almost become more than a boy can do. The work of the cadet is done upon the jump, from morn till night, with little or no recreation, with entire devotion to such studies, and such studies only, as will be useful in his profession; with a severity of discipline which is unexampled in the strictest military government, and with a division of classes into sections, which enables the leaders to make all the progress of which their minds are capable, while it insists that the laggard shall at least know thoroughly whatever he has gone over.

Such a system requires that those who will not or can not learn shall be got rid of, and the lowest class is sometimes double the number of the highest. By such means the Academy, in a course of four years, turns out athletes in mind and body, men who are ready for work and for any emergency; proud of their school and of their profession, knowing their abilities, but always imbued with a military sense of honor, which has never failed, and which leads them to regard the cadet uniform and their profession as things almost equally sacred. We feel no hesitation in appealing to this House for a generous provision for the enlargement of such a school.

This school has not increased proportionately to the growth of the country. The first establishment was, of course, small. A century ago the law of March 16, 1802, provided for a corps of 20 in all, including 10 cadets to be enrolled in a school of engineering simply. By the act of April 29, 1812, making a further provision for the Corps of Engineers, professors were provided for 250 cadets, who should be attached, at the discretion of the President, to the Academy and be subject to its regulations; that they should be arranged into companies of noncommissioned officers and privates, according to direction of the commandant of engineers, and officered from said corps; that they should be taught all duties of a private, noncommissioned officer, and officer, and be encamped at least three months each year and taught all the duties incident to a regular camp, and that they should be when appointed between the ages of 14 and 21, and engaged, with the consent of their parents or guardian, to serve five years, unless sooner discharged.

In 1810, two years before that act of April 29, 1812, our population was 7,239,881. In 1900, two years before this present April,

our population was 76,303,387. In 1812 we had an Army of not to exceed 10,000 regular troops; now we have one of 70,000. Population has increased over tenfold, the Army sevenfold, while West Point has barely doubled. These figures seem to indicate that the Military Academy at West Point was intended to fill a different place than that of merely supplying our Regular Army with officers.

Indeed, the cadet was only required to serve five years; that is, only one year in the Army. In 1838, the enlistment was enlarged from five to eight years. We come to suspect that perhaps the wisdom of our forefathers aimed not at the mere military education of Regular Army officers, but at the military education of the nation. This suspicion is changed into certainty when we turn to their writings. It was as early as 1793 that Washington advised the establishment of such an academy, not for the benefit of the Regular Army, but for the instruction of the officers of the militia. In his fifth annual message he says:

But it is an inquiry which can not be too solemnly pursued whether the act "more effectually to provide for the national defense by establishing a uniform militia throughout the United States" has organized them so as to produce their full effect, whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

Let us remember that these are Washington's words—the declaration of one who had had experience of the dangers and needs which beset this country. It is he that asks, as I ask now, whether it would not be a material feature in the improvement of that citizen soldiery which constitutes our national guard to afford an opportunity for the "study of those branches of the military arts which can scarcely ever be attained by practice alone." In December, 1796, he recurs to his proposition for the establishment of a military academy, stating that its desirability has so constantly increased with every new view he has taken of the subject that he can not omit the opportunity of recalling the attention of Congress thereto.

He insists that however pacific the general policy of the nation may be it ought never to be without an adequate stock of military knowledge for emergencies, and that in proportion as it avoids the practice of arms it should be careful to preserve and transmit by proper establishments the knowledge of the art; that this art of war is complicated and demands much previous study, and that its possession in its most perfect state is necessary to the security of the nation, and that for this purpose an academy with a regular course of instruction is an obvious means.

He says:

The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety or expose it to greater evils when war could not be avoided; besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practicing the rules of the military art ought to be its care in preserving and transmitting, by proper establishments, the knowledge of that art.

Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated, that it demands much previous study, and that the possession of it in its most improved and perfect state is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose an academy where a regular course of instruction is given is an obvious expedient which different nations have successfully employed.

Thomas Jefferson, on March 18, 1808, sent a special message recommending the enlargement of the Academy as being too limited to furnish the number of well-instructed subjects in the different branches of artillery and engineering, which the public service calls for.

President Madison, on December 5, 1810, recommended the restoration of the buildings and that the scope of the Academy should be enlarged by providing professorships for all the necessary branches of military instruction, saying that the means of modern warfare "render these schools of the more scientific operations an indispensable part of every adequate system."

He says that this is so even where large standing armies and frequent wars afford other opportunities of instruction, but that in governments without such opportunities—"seminaries where the elementary principles of the art of war can be taught without actual war and without the expense of extensive and standing armies—have the precious advantage of uniting an essential preparation against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defense be made at so little expense or more consistently with the public liberty."

Let us apply these words to our present conditions. What we lack in time of war is officers for our volunteers or militia. One such officer is worth a hundred men. A thousand cadets at West Point might cost as much as two or three regiments, but it would

furnish 5,000 cadets every twenty years, or enough to give officers to 100,000 men. Is there any other way in which like advantage can be realized?

Is it not instructive to consider the immediate effect which West Point had upon the wars of the nation? In the war of 1812, before we obtained graduates from that school, our one victory was that of Jackson at New Orleans, gained by riflemen entrenched behind cotton bales. Everywhere else our Army was in disgrace, and the Bladensburg races preceded the capture and burning of the Capitol at Washington. But in 1845, when the Academy was in full operation, our little Army became the admiration of the world and carried forward the flag against overwhelming numbers and impossible odds, storming fortifications, maintaining its communication, and placing that flag finally on the capital of Mexico. Need we increase citations? In December, 1815, Madison recommended the enlargement of the Academy, although it was, then, in proportion to our population, about five times as large as at present.

On December 3, 1822, James Monroe, in a very careful message largely devoted to the needs of the Army, states the use of the Military Academy for the instruction of the whole people. He says:

The Military Academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the Army, while others, who retire to private life, carry with them such attainments as, under the right reserved to the several States to appoint the officers and to train the militia will enable them by affording a wider field for selection to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia.

It is, therefore, with no hesitation that we bring forward plans for the enlargement of that Academy. It has not grown proportionately to the Army or to the nation. Up to the time of the civil war it was largely a free college whose graduates were not required in the Army and could obtain no commissions there. They went into private life. A large proportion of the most successful generals of the civil war were West Point graduates, who came back from private life to serve the cause that they deemed right. It would be, therefore, only returning to the policy of our fathers if we enlarged that Academy proportionately to the growth of the country.

It once had 250 cadets with a population of 7,000,000. It would have 2,500 cadets, instead of 500, if it were enlarged proportionately to the 70,000,000 population of to-day. Is it not possible also that it is hurting the Academy, as well as the nation, to make it exclusively a training for the Regular Army? May not the officer who has had West Point training, and who comes from civil life back into the service, bring with him a broader experience than the man who knows nothing but the regulations?

This topic is a great one. I put these suggestions rather by way of question than of assertion. But I ask you to consider whether all experience does not prove that Washington and Jefferson, Madison and Monroe, were right in desiring a school fitted for the education of the nation in the art of war and in regarding this as essential to the efficiency of the militia and to our readiness for war.

And when we look at history and see how the absence of this school was felt in 1812, how we longed for instructed officers for our volunteers in 1861 and still more in 1898, and how we depleted the Regular Army to find them, may we not ask your liberal encouragement of the little school of war upon the Hudson, your generous encouragement of its numbers, and of the diffusion among the whole people of that knowledge and practice of arms which is the safety of a free country?

We do not ask this in order to enlarge our standing Army. Diminish that Army, if you will. Give the soldier and non-commissioned officer a full and fair chance for promotion. The West Point graduate has no lien upon the Army or upon its official position. He must compete with his fellows both in peace and war. It is for the military security of the nation that we may urge a return to the policy of the fathers, establishing a system of education which shall fill the whole community with men who shall be fit to officer its Army and its militia and to lead its volunteers in time of war.

Mr. HULL. Mr. Chairman, I will ask unanimous consent that any member of the committee that desires to do so may extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that gentlemen of the committee may be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. I only desire to say a word in reply to what my friend from Illinois has said. It will be impossible for anyone, no matter how skilled he may be, to forestall the action of Congress in the future with reference to improvements to the Military Academy. There will come a time when additional improvements will be made, when improvements will be suggested, and made by the Congress of the United States. We have no power to forestall

such action. When it comes to the question of roads through the reservation, they require a good deal of money every year apparently for roads. We have had a continuing appropriation for a great many years in the past, and in my judgment there will be continuing appropriations for a good many years in the future.

This plan does not contemplate, as I understand, the construction of all these roads at this time, but there will be broken stone and gravel required in every appropriation bill, in my judgment, for years in the future as there have been for the years that have passed since I have been here. The amount, of course, will not be so great after the roads are once constructed, but there are many miles of road through there, and with the heavy rains that they have in the spring it will always require more or less to repair them. That is all I desire to say about it.

Mr. CANNON. I want to say, if the gentleman will allow me, just an additional word. Of course, after the roads there have once been constructed they have to be kept in repair.

Mr. HULL. Let me explain. There is a breast-high wall carried on by an appropriation of \$500 a year or \$1,000 a year, the effect of which is that as the road is extended the breast-high wall is extended, not as a complete work. It will probably be eight or ten years before that will be entirely completed. I was not at West Point at the time the committee visited there, but I went over this ground very carefully before. I want to say to the gentleman that in some of these works it is more economical to build a part of it every year than to make a large appropriation to complete it, and this scheme is not to complete this now, but to complete buildings and roads necessary to make the buildings and grounds what they should be; and the roads are extended as the buildings are erected on new plots of grounds.

Mr. CANNON. Now, let me read, because I do not want to be misunderstood, the very clause that we are talking about:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, \$3,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than \$5,500,000.

Then, as I understand it, that includes the construction of all necessary buildings. It includes everything that is necessary at West Point in connection with those buildings; it includes the grading of roads that are necessary to be made on account of this new construction, and includes water. If the gentleman has not attempted to try to make such a provision, then for one I will vote against the whole provision. Of course when the gentleman says that a road deteriorates or a building needs new paint or additional paint and repairs, why, he states that which all of us know; but I for one will not vote for this provision if we are to have, after this \$5,500,000 is expended, five hundred thousand, a million, a million and a half more because we have not given enough to complete this plant. If this will not complete the plant and do the work, why, I would be glad to know it. Now, then, if that is the plan to complete and do that work for that purpose, I am content.

Mr. HULL. Mr. Chairman, I want to say again that—take the one item on page 28, "For continuing the construction of breast-high wall in dangerous places, \$500"—I do not want the gentleman from Illinois to think, if we come in here next year with an appropriation of \$500 more in the same line, that we have violated what he understands to be an agreement in this House. It will not be. This bill carries the amount necessary to make permanent in buildings and grounds for the enlarged and improved post.

What this is proposed to do is to complete the plant so far as laying it out and completing the roads. The breast-high wall is not completed, and it will take years to complete it. It is not necessary to complete it at this time. The items I wanted to call attention to are in the character of continuing appropriations, and I do not understand that this scheme covers that. It does cover the completion of all roads made necessary by the location of new buildings by opening up new plots of ground, by developing the plan that will be necessary to drive from one barrack to another and one quarter to another.

It is a great reservation, and the Congress of the United States may decide to have additional drives. I do not believe it would be a violation of faith, if they desired to do it, to appropriate for it. The gentleman from Illinois states it so broadly, that if this went through we would never be able to do anything more except to keep up repairs, and as chairman of the committee I did not want to subscribe to that proposition, and will not.

Mr. CANNON. The gentleman decreases his recommendation of the committee \$1,000,000. I think he did right, but I want to

know when the five millions and a half is given that it will build these buildings. For instance, here is a schoolhouse for officers which will cost \$20,000; here is a different schoolhouse for the children of the enlisted men, costing some \$14,000 or \$15,000. Here is this and that and the other. I am not here to be hypercritical. Here is an establishment educating less than 600 cadets, and it is necessary to have in round numbers officers quarters which, as I recollect, will cost \$20,000 apiece. It may be a little less, but substantially that.

Here it is necessary to have the professors of the enlisted men here to be housed and the band has to be housed, and if you have the professors it is necessary that their children should go to school, and the children of the enlisted men are to go to school, and so on, and so on. I am not complaining, I do not want to be hypercritical, but here are the drawings, a matter in detail, and for the finishing, not the permanent repair, not the extension of the river wall, but for the finishing of the proposed construction. I want to feel and know that it will be so administered that five and one-half million dollars will do it.

Mr. SIBLEY. If I understood the gentleman, he says there is a schoolhouse for the children of the officers?

Mr. CANNON. Yes; costing \$20,000.

Mr. SIBLEY. And another schoolhouse for the children of the enlisted men.

Mr. CANNON. That is an extension of the schoolhouse.

Mr. SIBLEY. Is it one schoolhouse where the enlisted men's children are to be educated and another separate one where the officers' children are to be educated? If so, I want to tell you—

Mr. HULL. The officers pay their own teachers and the Government supplies the teachers for the children of the enlisted men.

Mr. SIBLEY. Let the officers use the schoolhouse of the enlisted men. The common schools of the United States are the glory and pride of the Republic, and if there is anything that tends to keep down the barrier of class distinction it is the common schools of America, and I shall vote against any proposition which will differentiate the children of enlisted men from the children of officers in schools sustained by the Government by votes which we cast as members of this body.

Mr. HULL. If the Government paid the teachers of the children of the officers, that would be correct; but when the officers are compelled by law to educate their own children, you can not very well have one school where the children of the enlisted men and officers all can go. The Government pays the teachers of the children of the enlisted men, and the children of the officers are not permitted to attend that school.

Mr. SIBLEY. Let the officers provide their own building, if they provide their own teachers.

Mr. HULL. If the gentleman will bring in a bill providing that the Government shall furnish tuition to the children of the officers as well as to the children of the enlisted men, the gentleman would have some right then to criticize.

Mr. SIBLEY. I would not want to discriminate against the officers.

Mr. HULL. I agree with the gentleman that the common school is the bulwark of the Republic. Every child of mine attended the common schools and graduated there before he was permitted to go to any other. I believe in the public schools, and live in a State where they are liberally maintained. But we have a class of officers at West Point who are not in reach of public schools, and they are not open to criticism, because the Government does not permit the officers' children to go to the same school as the enlisted men.

Mr. SIBLEY. Let me make a suggestion to the chairman of the committee.

The CHAIRMAN. Debate on this is proceeding by unanimous consent.

Mr. SIBLEY. Let me suggest to the gentleman from Iowa that he change the bill, so that the officers may have the privilege of educating their children with those of the enlisted men.

Mr. HULL. The gentleman wants a law compelling the Government to furnish schools for the officers' children.

Mr. SIBLEY. As well as the enlisted men; I do not want to discriminate against the officers.

Mr. HULL. My impression is that such a provision as the gentleman suggests would be subject to a point of order on this bill. I think he had better introduce a separate bill, and with his ingenuity and well-known liberality I have no doubt he could frame a measure which would receive very favorable consideration. I promise that I will use whatever influence I have to secure for it a favorable report.

Mr. BROMWELL. The gentleman from Pennsylvania might do the Carnegie act by endowing such an institution himself. [Laughter.]

Mr. HULL. The gentleman from Pennsylvania must remember that there is considerable prejudice against granting extraordinary favors to officers of the Army; and if it should be pro-

posed to establish a public school on a reservation for the benefit of the children of officers I am sure a great many people would object, saying that as these officers receive liberal pay they ought to provide for the education of their own children.

Mr. SIBLEY. But you contemplate appropriating \$20,000 for the erection of a building for a purpose of this kind.

Mr. HULL. Yes; a Government building on Government grounds. Of course you could not expect these people to pay the expenses of such a building themselves. They are there four years and then ordered away and others detailed to take their places, except certain professors who are permanent. The great majority of the officers are there only four years.

The question being taken on the amendment of Mr. HULL, it was agreed to.

Mr. CANNON. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 21, page 29, insert "including the sum herein appropriated."

Mr. HULL. There is no objection to that amendment, though there may be some question whether it is necessary or not. The intention is to limit the expenditure to this amount.

The amendment was agreed to.

The Clerk read as follows:

Total buildings and grounds, \$3,090,326.

Mr. HULL. I move to amend by striking out in the paragraph just read the word "three" and inserting "two."

The motion was agreed to.

Mr. HULL. I move that the committee rise and report the bill, with the amendments, to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JENKINS reported that the Committee of the Whole House on the state of the Union had had under consideration House bill 13679 (the Military Academy appropriation bill), and had directed him to report the same back with various amendments and with the recommendation that the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] If no separate vote is desired the Chair will submit the amendments to the House in gross.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HULL. I ask unanimous consent that the gentleman from Tennessee [Mr. SNODGRASS] and other gentlemen of the Committee on Military Affairs may have leave to print remarks on this bill in the RECORD for the next five days.

There was no objection.

BILLS OF LADING, ETC.

The SPEAKER. The committees will now be called.

Mr. FLETCHER (when the Committee on Interstate and Foreign Commerce was called). I desire to call up the bill (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

The SPEAKER. Gentlemen will understand that under this call bills must be called up by authority of the committee reporting them.

Mr. FLETCHER. I have such authority.

The bill, with the amendments of the committee, was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893, be, and it is hereby, amended so as to read as follows:

"That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports, to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge, and it shall not be lawful for the manager, agent, master, or owner of any such vessel to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is imposed on the manager, agent, master, or owner or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void of no effect."

SEC. 2. That this act shall take effect from and after the 1st day of July, 1902.

Mr. GROSVENOR. Mr. Speaker, I raise the question of consideration on this bill. It is one of the most important bills presented in Congress during the present session. I do not think it ought to be taken up in the present condition of the House.

The SPEAKER. Will the House consider the bill? On this question the Chair will appoint as tellers the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Minnesota [Mr. FLETCHER].

Mr. TAWNEY. May I make a statement in regard to the bill before the vote is taken, so that the House may know the nature of the bill?

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The tellers will take their places.

The House divided; and the tellers reported—ayes 55, noes 20.

Mr. GROSVENOR. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Ohio makes the point that no quorum is present. The Doorkeeper will close the doors and the roll will be called, and members will vote or answer present as their names are called on the proposition, which is the consideration of the bill.

The question was taken; and there were—yeas 125, nays 37, answering present 24, not voting 169; as follows:

YEAS—125.

Aplin,	Elliott,	Lewis, Pa.	Richardson, Tenn.
Ball, Del.	Emerson,	Lindsay,	Rixey,
Bankhead,	Feely,	Little,	Ryan,
Bartlett,	Fletcher,	Lloyd,	Salmon,
Bell,	Flood,	McCleary,	Scarborough,
Bellamy,	Gaines, Tenn.	McCulloch,	Selby,
Blakeney,	Gibson,	McLachlan,	Shackleford,
Breazeale,	Gordon,	McRae,	Shafroth,
Brown,	Graff,	Mann,	Shallenberger,
Brownlow,	Greene, Mass.	Marshall,	Sims,
Brundidge,	Griffith,	Martin,	Skiles,
Burkett,	Hamilton,	Mercer,	Smith, H. C.
Burleson,	Hay,	Meyer, La.	Snodgrass,
Calderhead,	Heatwole,	Mickey,	Southard,
Caldwell,	Henry, Conn.	Miers, Ind.	Spight,
Candler,	Hitt,	Mondell,	Stark,
Cannon,	Howell,	Moon,	Stephens, Tex.
Cassingham,	Jackson, Kans.	Morris,	Stevens, Minn.
Cochran,	Jenkins,	Needham,	Stewart, N. J.
Conner,	Johnson,	Otey,	Swanson,
Coombs,	Jones, Va.	Padgett,	Tawney,
Corliss,	Jones, Wash.	Patterson, Pa.	Thompson,
Cowherd,	Kehoe,	Pearre,	Underwood,
Darragh,	Kitchin, Claude	Pierce,	Vandiver,
Davidson,	Kitchin, Wm. W.	Pou,	Wachter,
Davis, Fla.	Kleberg,	Prince,	Warner,
Dayton,	Lacey,	Randell, Tex.	Williams, Ill.
De Armond,	Lamb,	Ransdell, La.	Woods,
Dick,	Lanham,	Reid,	Zenor.
Dinsmore,	Lassiter,	Rhea, Va.	
Dougherty,	Lawrence,	Richardson, Ala.	
Edwards,	Lessler,		

NAYS—37.

Adamson,	Gillett, Mass.	Mudd,	Taylor, Ohio
Allen, Me.	Graham,	Olmsted,	Tompkins, Ohio
Ball, Tex.	Grosvenor,	Parker,	Van Voorhis,
Bromwell,	Hedge,	Payne,	Wadsworth,
Burton,	Kern,	Perkins,	Wanger,
Creamer,	Knapp,	Ray, N. Y.	Warnock,
Curtis,	Lewis, Ga.	Sibley,	Wilson.
Dalzell,	Littauer,	Sperry,	
Draper,	Loudenslager,	Stewart, N. Y.	
Fowler,	Maddox,	Sulloway,	

ANSWERED "PRESENT"—24.

Bartholdt,	Cooper, Tex.	Smith, Iowa
Benton,	Foss,	Tate,
Bishop,	Gooch,	Thomas, Iowa
Bull,	Hepburn,	Trimble,
Capron,	Holliday,	Vreeland,
Clark,	Hull,	Wheeler.

NOT VOTING—169.

Acheson,	Cassel,	Foerderer,	Hopkins,
Adams,	Clayton,	Fordney,	Howard,
Alexander,	Connell,	Foster, Ill.	Hughes,
Allen, Ky.	Conry,	Foster, Vt.	Irwin,
Babcock,	Cooney,	Fox,	Jack,
Barney,	Cooper, Wis.	Gaines, W. Va.	Jackson, Md.
Bates,	Cousins,	Gardner, Mich.	Jett,
Beidler,	Cromer,	Gardner, N. J.	Joy,
Belmont,	Crowley,	Gilbert,	Ketcham,
Bingham,	Crumacker,	Gill,	Kluttz,
Blackburn,	Cummings,	Gillet, N. Y.	Knox,
Boreing,	Currier,	Glenn,	Kyle,
Boutell,	Cushman,	Goldfogle,	Landis,
Bowersock,	Dahle,	Green, Pa.	Latimer,
Bowie,	Davey, La.	Griggs,	Lester,
Brantley,	De Graffenreid,	Grow,	Littlefield,
Brick,	Deemer,	Hall,	Livingston,
Bristow,	Douglas,	Hanbury,	Long,
Broussard,	Dovener,	Haskins,	Loud,
Burgess,	Driscoll,	Haugen,	Lovering,
Burk, Pa.	Eddy,	Hemenway,	McAndrews,
Burke, S. Dak.	Esch,	Henry, Miss.	McCall,
Burleigh,	Evans,	Henry, Tex.	McClellan,
Burnett,	Finley,	Hildebrandt,	McDermott,
Butler, Mo.	Fitzgerald,	Hill,	McLain,
Butler, Pa.	Fleming,	Hooker,	

Mahoney,	Overstreet,	Sheppard,	Taylor, Ala.
Maynard,	Palmer,	Sherman,	Thayer,
Metcalf,	Patterson, Tenn.	Shawalter,	Thomas, N. C.
Miller,	Powers, Me.	Slayden,	Tirrell,
Moody, Mass.	Powers, Mass.	Small,	Tompkins, N. Y.
Moody, N. C.	Pugsley,	Smith, Ill.	Tongue,
Moody, Oreg.	Reeder,	Smith, Ky.	Watson,
Morgan,	Robb,	Smith, S. W.	Weeks,
Morrell,	Roberts,	Smith, Wm. Alden,	White,
Moss,	Robertson, La.	Snook,	Wiley,
Mutchler,	Robinson, Nebr.	Southwick,	Williams, Miss.
Naphen,	Rucker,	Sparkman,	Wooten,
Neville,	Rumple,	Steele,	Wright,
Nevin,	Ruppert,	Storm,	Young.
Newlands,	Russell,	Sulzer,	
Norton,	Schirm,	Sutherland,	
Oslen,	Shattuc,	Talbert,	

So the House determined to consider the bill.

The Clerk announced the following pairs:

For the session:

Mr. HILDEBRANT with Mr. MAYNARD.
 Mr. BOREING with Mr. TRIMBLE.
 Mr. METCALF with Mr. WHEELER.
 Mr. RUSSELL with Mr. MCCLELLAN.
 Mr. KAHN with Mr. BELMONT.
 Mr. WRIGHT with Mr. HALL.
 Mr. YOUNG with Mr. BENTON.
 Mr. SHERMAN with Mr. RUPPERT.
 Mr. BULL with Mr. CROWLEY.
 Mr. DEEMER with Mr. MUTCHLER.
 Mr. DAYTON with Mr. MEYER of Louisiana.
 Mr. MORRELL with Mr. GREEN of Pennsylvania.
 Until further notice:
 Mr. HEMENWAY with Mr. TAYLOR of Alabama.
 Mr. OVERSTREET with Mr. GRIFFITH.
 Mr. IRWIN with Mr. GOOCH.
 Mr. MOODY of Massachusetts with Mr. THAYER.
 Mr. BABCOCK with Mr. CUMMINGS.
 Mr. EDDY with Mr. SHEPPARD.
 Mr. CAPRON with Mr. JETT.
 Mr. STEELE with Mr. COOPER of Texas.
 Mr. SHOWALTER with Mr. SLAYDEN.
 Mr. SHELLEN with Mr. VREELAND.
 Mr. RUMPLE with Mr. FOX.
 Mr. HILL with Mr. ALLEN of Kentucky.
 Mr. LANDIS with Mr. CLARK.
 Mr. BOUTELL with Mr. GRIGGS.
 Mr. JACK with Mr. FINLEY.

For one week:

Mr. WATSON with Mr. BURNETT.
 Mr. CROMER with Mr. ROBINSON of Indiana.
 For this day:
 Mr. MOODY of Oregon with Mr. MCANDREWS.
 Mr. KNOX with Mr. WILEY.
 Mr. BINGHAM with Mr. SULZER.
 Mr. BOWERSOCK with Mr. SPARKMAN.
 Mr. CONNELL with Mr. SNOOK.
 Mr. COUSINS with Mr. SMITH of Kentucky.
 Mr. HOPKINS with Mr. SMALL.
 Mr. SCHIRM with Mr. ROBERTSON of Louisiana.
 Mr. TONGUE with Mr. ROBB.
 Mr. SOUTHWICK with Mr. PUGSLEY.
 Mr. TOMPKINS with Mr. PATTERSON of Tennessee.
 Mr. WEEKS with Mr. WOOTEN.
 Mr. SAMUEL W. SMITH with Mr. NORTON.
 Mr. WM. ALDEN SMITH with Mr. NEWLANDS.
 Mr. ESCH with Mr. McLAIN.
 Mr. COOPER of Wisconsin with Mr. MCDERMOTT.
 Mr. NEVIN with Mr. LESTER.
 Mr. MORGAN with Mr. LATIMER.
 Mr. MILLER with Mr. NEVILLE.
 Mr. LOVERING with Mr. KLUTTZ.
 Mr. MCCALL with Mr. HOWARD.
 Mr. LITTLEFIELD with Mr. LIVINGSTON.
 Mr. KETCHAM with Mr. HOOKER.
 Mr. JOY with Mr. WILLIAMS of Mississippi.
 Mr. HAUGEN with Mr. HENRY of Mississippi.
 Mr. HANBURY with Mr. GLENN.
 Mr. GROW with Mr. GILBERT.
 Mr. GILL with Mr. FLEMING.
 Mr. GAINES of West Virginia with Mr. FITZGERALD.
 Mr. FOSTER of Vermont with Mr. DE GRAFFENREID.
 Mr. DRISCOLL with Mr. COONEY.
 Mr. EVANS with Mr. CONRY.
 Mr. DOVENER with Mr. CLAYTON.
 Mr. BURLEIGH with Mr. BUTLER of Missouri.
 Mr. BURKE of South Dakota with Mr. BURGESS.
 Mr. BRICK with Mr. BROUSSARD.
 Mr. BARNEY with Mr. BRANTLEY.
 Mr. BEIDLER with Mr. BOWIE.

Mr. BUTLER of Pennsylvania with Mr. DAVEY of Louisiana.
 Mr. SHATTUC with Mr. RUCKER.
 Mr. REEDER with Mr. HENRY of Texas.
 Mr. ALEXANDER with Mr. GOLDFOGLE.
 Mr. BARTHOLDT with Mr. ROBINSON of Nebraska.
 Mr. LONG with Mr. FOSTER of Illinois.
 Mr. BURK of Pennsylvania with Mr. THOMAS of North Carolina.
 Mr. ACHESON with Mr. MAHONEY.

On this vote:

Mr. CRUMPACKER with Mr. LEVER.

Mr. MAHON with Mr. WHITE.

Mr. FOERDERER with Mr. NAPHEN.

Mr. WHEELER. Mr. Speaker, I refrained from voting and answered "present" under the impression that I was paired with the gentleman from California [Mr. METCALF]. I understood from the reading of the pairs that the gentleman from California was announced as paired with some one else. If that be true, I desire to vote.

The SPEAKER. The gentleman has a right to vote notwithstanding the pair if he desires to do so.

Mr. WHEELER. I am aware of that fact, but I do not choose to exercise that right.

The SPEAKER. The gentleman, however, is paired with the gentleman from California, and the gentleman from California has not voted. What does the gentleman wish to do?

Mr. WHEELER. I do not wish to do anything if I am paired. I understood the gentleman from California to have been announced as paired with some one else.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum having appeared, the officers will open the doors.

Mr. FLETCHER. Mr. Speaker, I desire to yield my time to my colleague [Mr. TAWNEY], who will explain this bill during the time belonging to me.

Mr. TAWNEY. Mr. Speaker, this bill contemplates merely an amendment to what is commonly known as the "Harter Act," an act passed in the Fifty-second Congress making it unlawful for steamship companies to incorporate in contracts of shipments or bills of lading provisions exempting them from liability.

Mr. HENRY C. SMITH. What liability?

Mr. TAWNEY. Liability for negligence in the storage of merchandise, loading or unloading, or anything of that kind. I will read the section of the Harter Act to which this bill is proposed as an amendment:

That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from neglect, fault, or failure in proper loading, stowing, custody, care, or proper delivery of any or all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Before I read that portion of the bill which is the proposed amendment to this section, I would say that the existing law makes it unlawful for steamship companies to incorporate in a contract of shipment provisions of this kind, exonerating them from liability or the payment of damages for which at common law they would be liable. Now, the proposed amendment to this section contemplates simply that it shall be unlawful for them to incorporate in the contract of shipment charges known as landing charges, which by the law of the country to which the goods are shipped are imposed upon the shipowner or shipmaster.

In other words, in addition to making it unlawful for steamship companies to incorporate a provision in the contract of shipment exempting them from the common law liability, this proposed amendment contemplates merely making it unlawful for them to contract themselves out of a statutory liability. Now, following the language which I have read is the proposed amendment. I read now from page 2 of the bill, line 5:

And it shall not be lawful for the manager, agent, master, or owner of any such vessel to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is imposed on the manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Mr. Speaker, in 1888, as the result of a combination between the London and India Dock Company and the steamship transportation companies entering the port of London, there was incorporated into the bill of lading a provision whereby these landing charges were to be paid by the consignee or the consignor. In other words, it was a charge imposed upon the cargo or the

merchandise, why? Because under the provisions of the merchants' shipping act of Great Britain these charges, included in what is known as the "London clause," are imposed upon the shipowner or shipmaster. To evade the provisions of that law they incorporated this clause known as the "London clause" in the contract of shipment, thereby imposing this charge upon the consignee or the consignor.

This is the provision of the law of Great Britain:

If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment—

Now, mark you—

and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

That is the language of the merchants' shipping act of Great Britain, and the expense of landing and assorting the goods under this law must be paid by the shipowners.

This London clause A, which they insert in every contract of shipment from North Atlantic ports, is lengthy. I will read only a part of it.

(A) The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays, or to discharge them in craft hired by them, immediately on arrival, and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid with the freight to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:

Following wooden goods in packages: Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hoops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement, or 2s. 6d. per ton weight at ship's option. All other general cargo, except slates, 1s. 9d. per ton weight or measurement, at steamer's option; minimum charge, 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after ship shall have been reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage, any single article weighing over 1 ton to be subject to extra expenses for handling, if incurred.

All measurement freight to be on the intake calliper measurement, as stated in the margin. Freights by weight (grain excepted) to be paid upon the weight stated in margin or at steamer's option upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad rates furnished at the port of shipment. No alteration will be permitted in any weight or freights included in this bill of lading except at steamer's option.

These are the rates which the consignee must pay in order to have his goods landed from the ship that has carried them from the North Atlantic ports to the port of London.

This bill is general in its terms. In one sense it would apply to every port in the world. In fact it will only apply to a single port, and that is the port of London, for the reason that in no other country, and at no other port in Great Britain, are these charges imposed by the laws of the country upon the shipowner or shipmaster.

Another fact I wish to call the attention of the House to is this, that this London clause is a discrimination against the export products of the United States entering the port of London; for this London clause, imposing these charges upon the shipper, is not included in the contract of shipment for the carrying of goods from any other port in the world except the North Atlantic ports, which includes the ports of the United States and ports of Canada. All goods entering the port of London from any other port in the world are exempt from this charge. Now, let me give you an illustration of how it operates upon the item of flour alone.

I want to say right here that we have in the Committee on Interstate and Foreign Commerce petitions and resolutions from almost every chamber of commerce and board of trade in the United States, asking for the passage of this very bill, because it proposes to remove an unjust discrimination against the commerce of the United States entering the port of London.

In the matter of flour, for example, the charge for unloading that flour from vessels onto the quay or dock is 1s. 9d. It has been steadily increased from 1s. 2d. in 1888 to 1s. 9d. at the present time, and that amounts to 3½ cents a barrel which the American flour shipper must pay in addition to paying the freight, and what is that charge made for? It is made to defray the expenses of unloading the ship and delivering the goods on the quay or on the dock at the port of London.

I maintain, and I think every lawyer of this House will agree with me, that when a carrier undertakes to carry a certain quantity of freight for me from one point to another point that the carrier is bound by his contract of carrying to deliver the goods at the point of destination where I can get them. I maintain that this charge, as I have stated by way of an illustration, upon flour is a necessary part of the freight charge. It is a portion of the expense incident to the carrying and the delivering of the goods

which the steamships are to carry for the American shippers to the port of London, and it should therefore be included in the freight. It should be included in the freight, because freight rates fluctuate, varying according to the laws of supply and demand for space and for freight, and this charge would necessarily be absorbed a greater part of the time in the freight charge.

Now, Mr. Speaker, this matter has been a subject of complaint on the part of American shippers and on the part of London consignees for a number of years. This London clause, as I stated before, was first included in the contract of shipment in 1888, as a result of a combination between the London and India Dock Company and the steamship carriers. It has been changed frequently since that time. The conditions of the contract are made more onerous from year to year, and these charges are increased arbitrarily from time to time by the steamship companies.

Now, they have simply segregated a part of the legitimate freight charge, making it a fixed charge and a charge, too, that is absolutely at their sweet will. I say that this has been a matter of great concern to the American shippers and to the London consignees for a number of years. Last year our State Department, at the instance of the American shippers, brought this London clause to the attention of our ambassador, who was instructed to make an investigation and to report to the State Department the facts and his conclusions and such recommendations as he saw fit to make.

Mr. Choate, in this report, says:

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other ports of the world. Flour is brought to London from many other ports of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowner out of the freight, no such clause as the London clause having been adopted.

Now, the discrimination growing out of this London clause exists not only to flour, it applies to lumber, it applies to grain, it applies to all classes of merchandise exported from the United States to the port of London, but, as Mr. Choate calls attention in his report, the fact is that this charge is not made against the products of any other country in the world shipped into the port of London, except the products of the United States and the products of Canada.

Again Mr. Choate says:

Whether the charge of 1 shilling 9 pence now made on flour for the cost of handling it until actual delivery to the consignee's barge is a proper one does not, in my judgment, depend upon the actual cost of the labor so incurred being more or less than the charge so made. It depends upon an ulterior inquiry of much broader scope than any which I have power to make, viz, whether, taking the freight and charges in the bill of lading together, the North Atlantic lines running to London by their combined action by means of this London clause—which shippers and consignees can neither resist nor control—are exacting from them more than a reasonable profit for the carriage and delivery of their goods.

The shippers and the consignees, as testified here by Ambassador Choate, are absolutely at the mercy of the steamship companies in regard to this provision in contract of shipment. They must either accept this bill of lading contained in the London clause or not ship their goods to the port of London.

Then Mr. Choate goes on to say:

The mere ascertainment and exposure, under the authority of Congress, of such an unjust exaction, if it exists, would probably go far toward a cure of the evil.

If this ulterior question should be decided in the negative and it should be found that these great steamship lines are not using their united power to exact more from the shippers and consignees for the carriage and delivery of their goods than is fair and just, the only question that would remain for Congress to determine is one of method—whether the convenience of commerce requires that by an amendment to the Harter law, or other suitable enactment, all shipowners should be forbidden to insert in the bill of lading any charge in addition to freight for the discharge and delivery of the goods. Of course, such an enactment would in all probability be immediately followed by an increase of the freight to London by the 1s. 9d. now charged for this item, or a greater amount.

There are obvious advantages in the old rule that the freight named in the bill of lading should cover all charges for the carriage and delivery of the goods. The shippers and consignees have added to their protests against the extra charge the request, from time to time made to the shipowners, to include it in the freight, but this the steamship companies have steadily refused. They appeal to the long continuance of the present system of charging since 1888, and to their belief that such an amendment of the Harter Act would be a serious blow to the trade with London, affecting not only the shipowners, but also the American shippers and London receivers.

It might well be that in the event of its being found that the shipowners, by their combined action, are exacting from shippers and consignees by means of the London clause more than a fair and reasonable profit for the carriage and delivery of their goods, such an amendment of the Harter Act would have a wholesome effect in restraining the combined companies from imposing an extravagant freight, made up of the total freight and charges, and thereby themselves inviting a competition which now seems inevitable.

Competition by reason of the London clause being incorporated in the contract of shipment, Mr. Choate tells us, is impossible. Now, let me call attention to another fact on the ulterior question to which Mr. Choate refers in his report. He says it is for Congress to investigate as to whether or not these charges are exorbitant. That investigation has taken place before the Committee on Interstate and Foreign Commerce. And in the report in favor of this bill I find the following, taken from the New York

Produce Exchange for 1901, giving the freight rates from New York to London, Liverpool, and Glasgow during 1900.

How can we ascertain whether or not the charges added to the freight constitute an exorbitant charge for the carrying of merchandise from the North Atlantic ports to the port of London? I find that the general average freight for the year 1900 from New York to London was \$4.16½ a ton, and to Liverpool \$3.21½ per ton, and to Glasgow \$3.40 a ton. Now, with the London charge on flour of 1 shilling and 9 pence added, or 42 cents per ton added to the freight on the flour, the rate per ton to London during 1900 was \$4.58, or \$1.27 per ton more than to Liverpool and \$1.18½ per ton more than to Glasgow, and the freight charge to Liverpool and Glasgow includes the expense incident to the unloading of the cargoes at those ports on the quay.

Mr. WACHTER. I would like to ask the gentleman a question.

Mr. TAWNEY. Just one moment, and I will yield to the gentleman. Now, it also appears that some of these vessels sailing between New York and London carried freight of twelve to fourteen thousand tons; so that a vessel carrying 14,000 tons from New York to London receives \$19,180 more on its cargo than if it delivered the cargo at Liverpool and \$16,220 more than if the cargo is delivered at Glasgow.

The difference in distance is practically the only additional expense incurred by the shipper as between New York and the three points named. The difference in distance is as follows: From New York to London, 3,740 miles; from New York to Liverpool, 3,540 miles; from New York to Glasgow, 3,375 miles. In one case the difference is 200 miles; in the other 365 miles; and for this difference in distance they receive \$19,000 for carrying the cargo.

Mr. WACHTER. Allow me to ask the gentleman this question. Is there any difference in this respect between the flour shipped to London and the flour shipped to these other points? Does not the shipper receive a greater amount for that shipped to London than for that shipped to other ports?

Mr. TAWNEY. I am unable to answer the gentleman's question as to what the flour sells for after delivery in the port of London.

Mr. WACHTER. I did not mean to ask what the flour sells for but what the cargo charges are—that the shipper on this side receives from the consignee.

Mr. TAWNEY. The difference in freight rates is 1 shilling 9 pence (42 cents) a ton.

Mr. WACHTER. What I want to know is whether that additional charge is not added to the cost of the flour when the flour is sold?

Mr. TAWNEY. It is not; and it can not be as long as other countries are permitted to make their shipments into the port of London without the payment of these charges. Take a shipment of flour from France to Great Britain or London. Wheat is imported into France from the United States. There it is ground into flour and shipped to London; but the London landing charge incorporated in the contract of shipment from the United States to London is not paid on the flour coming from France to London.

Mr. DALZELL. I want to see whether I understand this proposition or not. As I understand, there are certain charges imposed by law or custom in the port of London in connection with the delivery of goods; and those charges are payable by the shipowner or the vessel carrying the goods. Is that so?

Mr. TAWNEY. It is made so by the law of Great Britain.

Mr. DALZELL. So that this bill is an attempt to prevent the shipowner from relieving himself from charges which by law he must pay, and making the party who ships the goods pay those charges. That is the purpose of the bill, as I understand. Now, does the gentleman think it is competent by legislation to limit the right of contract to that extent?

Mr. TAWNEY. The gentleman from Pennsylvania has not correctly stated the proposition.

Mr. DALZELL. I asked the gentleman whether that was the correct construction of the bill.

Mr. TAWNEY. The law of Great Britain requires these steamship companies to pay all the expense incident to the unloading of their vessels—incident to the shipment of the cargo and the delivery of the same on the quay, the dock, or over side to the lighter. By the law of Great Britain this expense is imposed upon him.

Mr. HEPBURN. Will the gentleman give us the date of that law?

Mr. TAWNEY. The amendment was in 1894.

Mr. HEPBURN. What I want to know is the date of the English statute that you speak of. It is over three hundred years old, is it not?

Mr. TAWNEY. It is very old, I know.

Mr. HEPBURN. And it was adapted to the conditions existing when a vessel of 200 tons was an immense ship.

Mr. TAWNEY. I call the attention of the gentleman to the

further fact that the law was amended in 1894, and this provision in regard to the payment of these charges was included in the amendatory act. So that it is not an antiquated law by any means.

Mr. HEPBURN. Will the gentleman allow me still further? Was not that amendment necessary because of certain prescriptive rights which had been enjoyed by lightermen for more than three hundred years, and because the English Parliament could not change the statute so as to alter those rights under it?

Mr. TAWNEY. I do not know whether the amendatory act was made necessary by reason of the prescriptive rights of these lighter owners, but I do know that since this London clause was incorporated into the contract of shipment—which has been only since 1888, since the custom of doing business at the port of London has changed—this law was amended and the provision which I have read was incorporated into the amendatory act imposing upon the shipowner or the shipmaster the payment of those charges which are incident to the unloading of the vessel. I have read that provision of the act.

Mr. DALZELL. Let me ask the gentleman another question. Is there anything in this bill that would prevent the shipowner from adding these charges to the freight charges?

Mr. TAWNEY. Nothing whatever. There is nothing in this bill that would prevent his charging or adding these charges, and they properly belong to the freight charge. The reason that the steamship companies are so vigorously protesting against the passage of this bill is the fact that they know that if this charge, which applies to the freight charge, is incorporated as a part of the freight rate, a great deal of it at times—all of it at other times—will be absolutely absorbed by the competition between the carriers of freight from the North Atlantic ports to the port of London.

That is why they are resisting the passage of this bill. Under this London landing clause they extract a part of the charge incident to the expense of carrying and delivering the cargo and put that in as a fixed charge in the contract of shipment. That part of the freight charge, therefore, does not enter into competition between carriers; that part of the charge is under the absolute control of the shipowner. He can make it whatever he chooses, and it is a fixed charge, inflexible, whereas if it was included in and constituted a part of the first charge, you gentlemen all can readily understand that at times all of it would be absorbed, at other times part of it would be absorbed, and perhaps at other times none of it would be absorbed in the competition for the carrying of goods from the North Atlantic ports to the port of London, and that is all we ask.

I say that this under common law is an expense which the carrier is bound to meet, and when he undertakes to carry my goods from one point to another, he necessarily undertakes to deliver those goods, and he also includes in the contract of carrying all of the expense incident, not only to the carrying, but to the delivery. In this case we contract on this side of the Atlantic for the carrying of freight to the port of London at a certain sum per ton. Our goods are carried to the port of London, but when they reach that port we have got to pay an additional charge to the shipowner in order to get that cargo out of the ships, notwithstanding the common-law rights of delivery, notwithstanding the statutory right of delivery in Great Britain. Every one of these steamships are incorporated under the laws of Great Britain.

They sail under the English flag. And when the representative of the steamship companies was asked by a member of the Committee on Interstate and Foreign Commerce why he did that, why they incorporated in England, why they sailed under the English flag, he replied: "Because it is more profitable for us to do that than it is to sail under the American flag." But, having incorporated under the laws of Great Britain, reaping the advantages that inure to them by reason of those laws, whereby their business is more profitable, then they come back onto the American shipper and seek to throw upon him burdens which, by the laws of the country under which they are incorporated, are imposed upon themselves. This, Mr. Speaker, is rank injustice, and it is a discrimination, I say, against the articles of the United States intended for shipment to the port of London, and should be prohibited by law.

Mr. VANDIVER. Will the gentleman allow me a question for information? If a bill under consideration provides no method of preventing the shipowner from adding new charges to the freight charges of the shipper, by what method, then, does it propose to relieve the shipper?

Mr. TAWNEY. By the simple law of competition in the carrying of freight from the North Atlantic ports to the port of London. That is the only way it can be regulated.

Mr. VANDIVER. How is that competition secured by the bill?

Mr. TAWNEY. It simply requires them to include this charge as a part of the freight for carrying. Well, that of course, if it is added, will necessarily increase the carrying price of freight

from New York and other North Atlantic ports to the port of London. That of itself will invite competition, and in that competition the American shipper knows that these charges the greater part of the time will be absorbed in the freight.

Mr. PAYNE. Will the gentleman allow me? I understood the gentleman to say there was a discrimination against American shippers. Does not this London clause and the law in London apply to shipments from all the world?

Mr. TAWNEY. The law does.

Mr. PAYNE. Requiring that this 1s. 9d. shall be paid by the shipowner from Russia or anywhere else?

Mr. TAWNEY. The law applies to goods shipped into London from any port in the world, but the London clause which is incorporated in the contract of shipment is only in the contracts for the carrying of goods from North Atlantic ports to the port of London.

Mr. PAYNE. Do not confuse the question.

Mr. TAWNEY. I have not confused it. I have answered your question.

Mr. PAYNE. Does not the Russian shipowner have to pay this charge?

Mr. TAWNEY. Mr. Choate says not.

Mr. PAYNE. Well, I do not believe Mr. Choate does say so. Mr. Choate says it is not put in the Russian shipowner's contract, but that it may appear in the freight. He does not say whether it does or not.

Mr. TAWNEY. Let me read what he says:

There is undoubtedly a discrimination against flour from the United States and Canada in favor of flour coming to London from other ports of the world.

Mr. PAYNE. I heard the gentleman read that and some other sentences.

Mr. TAWNEY. That is from Mr. Choate.

Mr. PAYNE. Well, I heard the gentleman read something else from Mr. Choate in that connection. I am not able to get hold of the report. I have just got hold of the minority report. The views of the majority do not seem to be obtainable.

Mr. TAWNEY. I suppose the gentleman can find the views of the majority.

Mr. PAYNE. I say that I have the minority, but I have not been able to get the majority.

Mr. PEARRE. May I ask the gentleman a question?

Mr. TAWNEY. I want to read the balance of this, because it has been intimated that I was not fair in reading only a part of it.

Mr. PAYNE. What page is it on?

Mr. TAWNEY. Page 73.

Mr. PAYNE. Is that a hearing?

Mr. TAWNEY. Yes; it is Mr. Choate's report, printed in the hearings of the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. I still am unable to get that.

Mr. TAWNEY (reading):

Flour is brought to London from many other ports of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the London clause having been adopted.

Now, if the charge is paid by the shipper from Russia or any other part of the world it is paid as a part of the freight, and it is open to competition in the carriage.

Mr. PAYNE. I am not making any dispute about that, but my point is that the vessel owner has to pay these charges.

Mr. TAWNEY. Yes.

Mr. PAYNE. Of course, the gentleman does not suppose that the vessel owners from Russia are so generous that they are paying these charges out of their own pockets and not recouping from the persons who pay the freight.

Mr. TAWNEY. That all depends on the amount of competition there is for the carrying of the goods from the other ports in the world to the port of London.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, the gentleman from New York [Mr. SHERMAN] filed the views of the minority upon this question. I do not know what other gentlemen there are here who desire to discuss it, whether members of that committee or not, and as this matter is now before the House and will come up the first thing whenever there is a call of committees, I would suggest that we adjourn now, so that the matter may be discussed when Mr. SHERMAN is here.

Mr. SHACKLEFORD. I see that among those signing the minority report are Mr. HEPBURN, Mr. TOMPKINS of Ohio, and Mr. ADAMSON, all of whom are sitting in the House.

Mr. TAWNEY. There are plenty of gentlemen on the minority side of the committee who can take care of this proposition. I have no objection at all to the House adjourning, but I want to know what the parliamentary status of the bill will be on tomorrow in the House.

The SPEAKER. The bill under consideration will be the

unfinished business when there is another call of committees. Each committee is entitled to two days if it has sufficient business, and this will be the unfinished business before the committee when there is another call.

Mr. TAWNEY. Then, Mr. Speaker, I shall not consent to an adjournment, and I hope the matter can be disposed of this evening.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Did the gentleman from Minnesota reserve the balance of his time?

Mr. TAWNEY. I reserve the balance of my time.

The SPEAKER. Before putting the motion of the gentleman from New York, the Chair will submit a request from the Senate.

RETURN OF CERTAIN BILLS TO THE SENATE.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, April 22, 1902.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

Also the following:

IN THE SENATE OF THE UNITED STATES, April 22, 1902.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

The SPEAKER. These requests will be granted, if there be no objection.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON of Pennsylvania until May 1, on account of important business.

CONFEREES ON OMNIBUS CLAIMS BILL.

The SPEAKER announced as conferees on the part of the House on the bill H. R. 8587, the omnibus claims bill, Mr. MAHON, Mr. GIBSON, and Mr. SIMS.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9413. An act granting a pension to Mary E. Holden;
H. R. 639. An act granting increase of pension to Justus Canfield;

H. R. 1811. An act granting increase of pension to Thomas Milsted;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 2619. An act granting increase of pension to William Holgate;

H. R. 10532. An act granting increase of pension to John L. Bowman;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9140. An act granting increase of pension to Mary Ann E. Sperry;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 6760. An act granting a pension to Susan House;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 658. An act granting increase of pension to John H. Jack;

H. R. 10951. An act granting increase of pension to Pauline M. Roberts;

H. R. 2207. An act granting increase of pension to Louis Hahn;

H. P. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 7903. An act granting increase of pension to Ernest Wagner;

H. R. 7782. An act granting increase of pension to Thomas P. Smith;

H. R. 4821. An act granting increase of pension to Herbert A. Boomhower;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 11550. An act granting increase of pension to William G. Gray;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.; and

H. R. 3826. An act granting an increase of pension to George W. Dodge.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre; and

S. 3449. An act to establish an additional land office in the State of Montana.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 12346, known as the river and harbor bill.

The SPEAKER. The gentleman from Ohio, chairman of the Committee on Rivers and Harbors, asks unanimous consent that the House nonconcur in the Senate amendments to the river and harbor bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair announces the following conferees: Mr. BURTON, Mr. REEVES, and Mr. LESTER.

The question is on the motion of the gentleman from New York, that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting the conclusions reached after an investigation of the receipts and expenditures of the State of Texas on account of Greer County—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes, reported the same without amendment, accompanied by a report (No. 1730); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, reported the same with amendments, accompanied by a report (No. 1732); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4042) granting an increase of pension to William H. Norton, reported the same without amendment, accompanied by a report (No. 1711); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3334) granting an increase of pension to Thomas E. James, reported the same without amendment, accompanied by a report (No. 1712); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 694) granting a pension to Jane Caton, reported the same without amendment, accompanied by a report (No. 1713); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9164) granting a pension to John H. Crawford, reported the same with amendments, accompanied by a report (No. 1714); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3500) granting an increase of pension to Kate O. Phillips, reported the same with amendment, accompanied by a report (No. 1715); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3269) granting a pension to Ida M. Kinney, reported the same

with amendment, accompanied by a report (No. 1716); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2606) granting an increase of pension to Albert H. Steifenhof, reported the same with amendment, accompanied by a report (No. 1717); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10731) granting an increase of pension to Samuel Milburn, reported the same with amendments, accompanied by a report (No. 1718); which said bill and report were referred to the Private Calendar.

Mr. KLEBURG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10488) to increase the pension of Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1719); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9799) granting a pension to Mary Murphy, reported the same with amendments, accompanied by a report (No. 1720); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9606) granting a pension to Charles Blitz, reported the same with amendment, accompanied by a report (No. 1721); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13211) granting a pension to Melissa Burton, widow of William Burton, reported the same with amendments, accompanied by a report (No. 1722); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13036) granting an increase of pension to John B. Greenhalgh, reported the same with amendment, accompanied by a report (No. 1723); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12828) granting a pension to Mary E. Culver, reported the same with amendment, accompanied by a report (No. 1724); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12788) granting a pension to Elizabeth McDonald, reported the same with amendment, accompanied by a report (No. 1725); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12877) granting an increase of pension to James N. Gates, reported the same with amendment, accompanied by a report (No. 1726); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12324) granting a pension to Cora E. Brown, reported the same with amendment, accompanied by a report (No. 1727); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12713) granting an increase of pension to Bernard McCormick, reported the same without amendment, accompanied by a report (No. 1728); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9249) granting a pension to Amos Allport, reported the same with amendments, accompanied by a report (No. 1729); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 636) to remove the charge of desertion against David A. Lane, reported the same without amendment, accompanied by a report (No. 1731); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred, as follows:

A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11803) for the purchase for a national park of a tract of land upon which the Natural Bridge of Virginia is situated—Committee on Military Affairs discharged, and referred to the Committee on Agriculture.

A bill (H. R. 13859) granting a pension to Sarah P. McIntee—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13866) granting an increase of pension to Augustus H. Summers—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13867) granting an increase of pension to Logan O'Banion—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 13896) to incorporate the Society of the American Cross of Honor of the District of Columbia—to the Committee on the Judiciary.

By Mr. MARSHALL: A bill (H. R. 13897) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota—to the Committee on Indian Affairs.

By Mr. HULL (by request): A bill (H. R. 13898) to authorize the President to select a lieutenant-colonel of the Pay Department and appoint him brigadier-general, United States Army—to the Committee on Military Affairs.

By Mr. SHATTUC: A resolution (H. Res. 220) relative to the consideration of H. R. 12199—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 13899) granting an increase of pension to Mary A. Pearman—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 13900) for the relief of David W. Speck—to the Committee on War Claims.

Also, a bill (H. R. 13901) for the relief of William Crosby—to the Committee on War Claims.

Also, a bill (H. R. 13902) for the relief of Abraham Stover—to the Committee on War Claims.

Also, a bill (H. R. 13903) for the relief of John D. Youell—to the Committee on War Claims.

Also, a bill (H. R. 13904) for the relief of Amanda Lam, administratrix of the estate of James Lam, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13905) for the relief of Mrs. Maria D. La Rue—to the Committee on War Claims.

Also, a bill (H. R. 13906) for the relief of T. H. McGinnis—to the Committee on War Claims.

Also, a bill (H. R. 13907) for the relief of the legal representatives of Paul McNeel—to the Committee on War Claims.

Also, a bill (H. R. 13908) for the relief of the estate of George W. Taylor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13909) for the relief of Mrs. S. M. Cale—to the Committee on War Claims.

Also, a bill (H. R. 13910) for the relief of George W. Craig—to the Committee on War Claims.

Also, a bill (H. R. 13911) for the relief of the estate of Hugh L. Gallaher, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13912) for the relief of James A. Snyder, executor of Jacob Snyder, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13913) for the relief of James W. Smith—to the Committee on War Claims.

Also, a bill (H. R. 13914) granting an increase of pension to Elizabeth V. Harman—to the Committee on Pensions.

Also, a bill (H. R. 13915) granting an increase of pension to Frederick Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13916) to reimburse the trustees of the Presbyterian Church at McDowell, State of Virginia—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 13917) granting an increase of pension to Napoleon B. Kidwell—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13918) for the relief of Thomas Mundy, disabled by an accident at the life-saving station at Charlotte, N. Y.—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 13919) for the relief of John Wright—to the Committee on Claims.

Also, a bill (H. R. 13920) granting a pension to Martha Ann Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13921) for the relief of E. C. Adams—to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 13922) for the relief of James Welch—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 13923) granting an increase of pension to Stephen W. Pomeroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13924) for the relief of Ephraim Winters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13925) for the relief of James Appleton—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13926) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SELBY: A bill (H. R. 13927) granting an increase of pension to Patrick O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13928) granting an increase of pension to Hezekiah Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13929) to remove the charge of desertion from the record of Patrick Murphy—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 13930) granting a pension to John M. Cheever—to the Committee on War Claims.

Also, a bill (H. R. 13931) for the relief of Herman B. Robb—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13932) granting a pension to George W. Heator—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13933) granting a pension to Hattie Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13934) for the relief of Lucas P. Rettenstorf—to the Committee on Military Affairs.

Also, a bill (H. R. 13935) granting a pension to George Eckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13936) for the relief of Peter Duchane—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 13937) for the relief of George H. Suits—to the Committee on War Claims.

By Mr. WOODS: A bill (H. R. 13938) granting an increase of pension to Perrin O. Needham—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 13939) granting an increase of pension to William Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13940) for the relief of George W. McElrath—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Printing Press Assistants' Union of Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Resolutions of the Maritime Association of the port of New York, relating to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BROWNLOW: Petition of the heir of Mrs. E. Bosley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Resolution of John A. Logan Circle, No. 1, Ladies of the Grand Army of the Republic, of Providence, R. I., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of G. B. Lewis and other veterans of the civil war, citizens of Brownville, Nebr.; also, petition of L. E. Ricksecker, of Santa Rosa, Cal., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

Also, petitions of Frank Gillitt, R. S. Unland, and David Dickerson, indorsing House bill 9206—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of the Maritime Association of the Port of New York, in relation to ship subsidy—to the Committee on Merchant Marine and Fisheries.

Also, petitions of C. H. Weaver & Co., Chicago, and citizens of Culver, Haddam, Concordia, Kipp, Marysville, Abilene, Palmer, Bremen, and Bridgeport, Kans., favoring the Senate amendments to the oleomargarine bill—to the Committee on Agriculture.

By Mr. CASSINGHAM: Resolutions of Mine Workers' Union No. 587, of Odobert, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Texas: Resolutions of Neches Queen Lodge, No. 590, Beaumont, Tex., Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolutions of two Polish societies of Detroit, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DALZELL: Resolutions of National Frémont Association, Pittsburg, Pa., favoring the erection of a monument and

statue to the Pathfinder, Maj. Gen. John C. Frémont—to the Committee on the Library.

By Mr. DRAPER: Petition of C. Y. Knight, secretary of National Dairy Union, Chicago, Ill., in relation to the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Maritime Association of the Port of New York, in relation to the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH: Resolution of the Maritime Association of the Port of New York, in relation to the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. FITZGERALD: Resolutions of the Maritime Association of the Port of New York, in favor of an amendment to the so-called subsidy bill to include sail vessels of 1,000 tons gross register within its vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Vermont: Resolutions of Stannard Post, No. 2, Grand Army of the Republic, of Burlington, Vt., relative to the improvement of the post exchange—to the Committee on Military Affairs.

Also, resolutions of H. H. Smith Post, No. 19, Grand Army of the Republic, Stowe, Vt., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. GRAHAM: Resolutions of Abe Patterson Post, No. 88, of Allegheny, Grand Army of the Republic, Department of Pennsylvania, and Peller Post, No. 89, Department of Minnesota, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolution of the Maritime Association of the port of New York, in relation to ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill relating to the correction of the military record of Jacob Miltenberger—to the Committee on Military Affairs.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Napoleon B. Kidwell—to the Committee on Invalid Pensions.

By Mr. HALL: Petitions of Post No. 90, of Philipsburg; No. 216, of St. Marys; No. 293, of Houtzdale; No. 343, of Coalport, and No. 419, of Stormstown, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. HANBURY: Resolutions of Maritime Association of the port of New York, relative to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JACK: Petition of St. Joseph's Society, of Mount Pleasant, Pa., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of J. Ed. Turk Post, No. 321, of Dayton, and Post No. 266, of Rochester Mills, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. KNOX: Petitions of business men of Lawrence, Lowell, Woburn, and Peabody, Mass., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Ways and Means.

Also, resolutions of Bay State Lodge, No. 73, Locomotive Firemen, of Worcester, Mass., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. LACEY: Petitions of 10 citizens of the Sixth Congressional district of Iowa, in favor of the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. LANHAM: Resolutions of Hillsboro Lodge, No. 616, of Hillsboro, and Bayou City Lodge, No. 146, of Houston, Tex., Brotherhood of Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Bayou City Lodge, No. 146, of Houston, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Petition of Division No. 384, Order of Railway Conductors, of Stapleton, N. Y., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LONG: Resolutions of Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHONEY: Resolutions of Polonia Society, Kosciuszko Society, and Giller Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MOON: Petition of heirs of William B. Irwin, deceased,

late of James County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, resolutions of Mine Workers' Union No. 554, of Victoria, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Resolutions of Temple Ohabei Shalom, Boston, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Resolutions of Garment Workers' Union, Binghamton, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SCOTT: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favoring House bill 8337, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Iola Central Labor Union, on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHATTUC: Papers to accompany House bill 13377, to place David B. Jeffers on the retired list—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: Petition of Ray Miners Union, Troy, Ariz., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Papers to accompany House bill 8542, granting an increase of pension to P. F. Harris—to the Committee on Invalid Pensions.

Also, resolutions of Thomas McClure Post, No. 326, and Theodore G. Merchant Post, No. 683, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. STARK: Paper to accompany House bill 1515, granting an increase of pension to George D. Salyer—to the Committee on Invalid Pensions.

By Mr. VANDIVER: Papers to accompany House bill 13940, for the relief of George W. McElrath—to the Committee on War Claims.

By Mr. WOODS: Papers to accompany House bill 13938, granting a pension to Perrin O. Needham—to the Committee on Invalid Pensions.

Also, resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, April 23, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GREER COUNTY, TEX.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of conclusions reached in an investigation of the amount of taxes collected by Texas in what was formerly known as Greer County, and the expenditures made on account of that county by the State, as directed by act of Congress approved January 15, 1901; which, on motion of Mr. CULBERSON, was, with the accompanying papers, ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of 15 citizens of Corydon, Pa., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Onoko Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the repeal of the so-called desert-land act, and also that an appropriation of \$250,000 be made for irrigation purposes; which was referred to the Committee on Public Lands.

He also presented a memorial of Typographical Union No. 2, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of the Federal Labor Union of McSherrystown; of Federal Labor Union No. 7204, of Carbondale, and of Federal Labor Union No. 9452, of Lopez, all in the State of Pennsylvania, and of the American Society of Plate Engravers, of Washington, D. C., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Captain Joshua W. Sharp Post, No. 371, of Newville; of W. D. Myers Post, No. 434, of Johnsonburg; of John S. Bittner Post, No. 122, of Lock Haven; of Etz Post, No. 401, of Tioga; of Captain Michael Smith Post, No. 355, of McClure; of Robert F. Elliott Post, No. 526, of Spring Run; of Lafayette Post, No. 217, of Easton; of Henry Wilson Post, No. 129, of Milton, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented a memorial of the Pacific Coast Marine Firemen's Union of San Francisco, Cal., remonstrating against the elimination of the so-called seamen's clause from the ship-subsidy bill and the Chinese-exclusion bill; which was ordered to lie on the table.

Mr. PLATT of New York presented petitions of Bakers' Local Union No. 16, of Buffalo; of Journeymen Tailors' Local Union No. 91, of Elmira; of Bakers' Local Union No. 177, of Port Chester, and of Local Union No. 276, of Buffalo, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Bricklayers and Masons' Local Union No. 2, of Niagara Falls; of the Trade and Labor Council of Kingston; of the Team Drivers' Local Union No. 135, of Olean; of the Flint Glass Workers' Local Union No. 57, of Brooklyn; of Typographical Union No. 451, of Plattsburg; of Bricklayers and Masons' Local Union No. 20, of Sing Sing; of Bricklayers and Masons' Local Union No. 31, of Auburn; of Local Union No. 34, of New York City; of Local Union No. 42, of Binghamton; of Bricklayers and Masons' Local Union No. 46, of Nyack; of Local Union No. 51, of New Rochelle; of Bricklayers' Local Union No. 4, of New York; of Masons' Local Union No. 10, of Troy; of Local Union No. 12, of Lockport; of Local Union No. 26, of Cortland; of Boiler Makers and Iron Ship Builders' Union of New York; of Bricklayers and Masons' Local Union No. 8, of Cohoes; of Local Union No. 22, of Yonkers; of Local Union No. 17, of Ithaca; of Boiler Makers and Iron Ship Builders' Local Union No. 200, of Staten Island; of Local Union No. 202, of Schenectady; of the Bricklayers and Masons' Local Union No. 125, of Dunkirk; of Local Union No. 163, of Brighton; of the Wire Weavers' Protective Association of Brooklyn; of the Retail Clerks' Protective Association of Watertown; of Carpenters' Local Union No. 457, of New York; of Carpenters and Joiners' Local Union No. 374, of Buffalo; of Local Union No. 369, of North Tonawanda; of Local Union No. 774, of New York; of Carpenters and Joiners' Local Union No. 754, of Fulton; of Local Union No. 727, of Lake Placid; of Local Union No. 718, of New Rochelle; of Local Union No. 707, of New York; of Carpenters' Local Union No. 673, of Fort Edward; of Local Union No. 659, of Albany; of Local Union No. 639, of Brooklyn; of Stair Builders' Local Union No. 575, of New York City; of Local Union No. 574, of Middletown; of Local Union No. 573, of Rye; of Carpenters and Joiners' Local Union No. 507, of Newtown; of Local Union No. 503, of Lancaster; of Local Union No. 901, of Woodhaven; of Local Union No. 853, of Silver Creek; of Carpenters and Joiners' Local Union No. 132, of Buffalo; of Local Union No. 125, of Utica; of Local Union No. 99, of Cohoes; of Local Union No. 72, of Rochester; of Local Union No. 65, of Jamestown; of Plumbers and Steam Fitters' Local Union No. 206, of Elmira; of Local Union No. 223, of Kingston; of Plumbers' Local Union No. 253, of Gloversville; of Local Union No. 12, of Albany; of Wood Workers' Local Union No. 636, of Troy; of Cigar Makers' Local Union No. 68, of Albany; of Plasterers' Local Union No. 168, of Tonawanda; of Typographical Union No. 62, of Utica; of Typographical Union No. 315, of Poughkeepsie; of Typographical Union No. 348, of Olean; of Local Union No. 9, of Elmira; of Local Union No. 374, of Elmira; of the Watch Case Makers' Local Union of Brooklyn; of the Bakers' Local Union No. 105, of Geneva; of Local Union No. 291, of Newark; of Local Union No. 1, of Port Jervis; of Local Union No. 101, of Buffalo; of Local Union No. 149, of New York; of Local Union No. 153, of New York; of Local Union No. 276, of Buffalo; of Local Union No. 63, of Mechanicsville; of the Central Labor Union of Seneca Falls, and of the Car Repairers' Local Union No. 6, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. QUAY presented a petition of Street Railway Union No. 164, American Federation of Labor, of Wilkesbarre, Pa., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.